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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 12, 2005, at 12 noon.

Senate

FRIDAY, SEPTEMBER 9, 2005

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the source of power and might, You are a stronghold in times of trouble, so today, we pray for Your strength.

Strengthen our faith so that we will trust You in our seasons of joy and sadness. Strengthen our will so that we will choose the harder right and resist the easy wrong. Strengthen our decisions so that we will not vacillate when commitment is needed. Strengthen our affection so that we will learn to love You as You have first loved us. Strengthen our Senators for today's challenges and opportunities. Keep them in good health and give them patience and cheerful endurance. Strengthen us all to believe that Your purposes will ultimately prevail.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina.

Harkin amendment No. 1659, to increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are resuming consideration of the Com-

merce-Science-Justice appropriations bill. Last night, we reached agreement to limit amendments to that bill. That agreement will allow us to finish this appropriations bill early next week. We are here today to give Senators the opportunity to offer amendments from that list. They will also have that opportunity on Monday. We will not vote on amendments during today's session, but we are prepared to debate additional amendments and schedule those votes for next week.

Last night, we scheduled our first vote on Monday, and that will occur at 6:30 Monday evening. It will be on the motion to proceed to the resolution of disapproval regarding the regulations relating to mercury.

As everyone is aware, the Judiciary Committee will begin its hearings on the nomination of Judge Roberts. I will be working with the Democratic leader to schedule floor votes around those hearings to provide the least amount of disruption of those proceedings. That means most of the voting will occur at the lunch hour or around midday and then later in the evening.

Throughout this time, we will continue to focus our efforts on legislation related to the effects of Katrina. Yesterday, as my colleagues know, we acted very quickly on emergency court legislation so that those Federal courts could continue operations appropriately. As I have stated again and again, we will remain committed to respond and act expeditiously on any matter that can be cleared and that will assist in our recovery efforts in those affected States.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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HURRICANE RELIEF EFFORTS

Mr. FRIST. Mr. President, I am pleased to report that last night, the Senate moved very quickly and passed a supplemental emergency aid package, a \$51.8 billion bill that was signed and then about 2 hours later was signed by the President of the United States. It is a bill that aims directly at the critical rescue and relief efforts of the victims of Hurricane Katrina. Last night's action reflects the solemn commitment of the Congress and the President to the people devastated by the extreme disaster which has struck the Gulf Coast. I thank my colleagues for their hard work and determination to get this bill passed expeditiously. The clock was ticking.

As of yesterday, the \$10.5 billion we allocated during last Thursday's urgent session was nearly tabbed out. We knew at the time we passed this initial funding that more aid would be needed. What we did not know was the sheer magnitude of the catastrophe and how it would outstrip those relief dollars so quickly.

By pulling together and responding in an efficient and quick manner, focusing on that essential task, at 7:30 last night we did pass that \$51.8 billion bill. As a result of that, thousands of volunteers and responders will continue to do what they are doing so well right now along the Gulf Coast, and that is saving lives and providing aid. As I speak, over 65,000 Active-Duty and National Guard personnel are in the Gulf region conducting search, rescue, and voluntary evacuation operations. They are helping to restore washed-out roads, build bridges, and clear millions of gallons of toxic floodwater. They are providing critical health care, medical care, food, water, shelter, and security. Our thanks go out to them. Our gratitude goes out to each and every one of them. Many of those rescue workers, in fact, are putting their lives on the line as they deal day in and day out with an environment of destruction, of toxic chemicals, of toxic waters. We thank them for their dedication.

When I was in New Orleans last Saturday and Sunday, just outside the terminal of the New Orleans airport, I had the opportunity to meet face to face with so many wonderful guard units. The 118th Airlift Wing, the Tennessee Guard based out of Nashville, was there in force. The 118th had been ferrying supplies and people in and out of that region over the course of the week, around the clock for days. Right now, the 118th AeroMed units are transporting the sick and the injured evacuees to locations all around the country. Again, I thank them in particular because they are from my home region of middle Tennessee, but I thank all of those Guard units and Active military that are contributing with untiring dedication and commitment.

FEMA continues to aggressively provide support and sustenance for the hundreds of thousands of families whose lives have simply been shattered

by this disaster. In 1 week, over a quarter of a million people have been evacuated and placed in over 200 shelters across 17 States. Each one of those shelters has affiliated with it many shelters, but it gives some feeling of the magnitude that there are some formal shelters in 17 States.

Countless citizens all across the country are pitching in and giving money and donating their services and giving hope to those displaced individuals and families. Huge efforts are underway to locate those missing persons, people who have been separated from their friends and from their families. From the very beginning, we have seen a great outpouring of the American spirit, compassion, and care from private citizens, church groups, college groups, doctors, nurses, grandparents, moms, and dads—all being on the front lines helping neighbors in distress.

Several of my colleagues have heard me tell the story of last Saturday and Sunday at the New Orleans airport where triage was underway, thousands of people were being brought in the door of that terminal. One out of four had some special need, some health care need, some medical emergency. To see the operation of four college students from the University of Texas helping carry people up to the triage unit side by side with our Guard units maintaining security the best they possibly could, coupled with the DMAT units, disaster medical assistance units, that have come from Florida, Pennsylvania, and really from all over the country—it was an amazing outpouring of people working together under the most trying circumstances, circumstances that minute by minute got worse and worse and worse. But everybody was pulling together, helping people in distress.

A vivid image I think of throughout the day is two people on stretchers side by side on the floor in that very dark terminal in the midst of all that chaos in so many ways with so many people coming in, and those two people not knowing each other but taking care of each other's needs, helping each get a little bit of water, a little bit of food, or stopping somebody, the assistance one patient would give another patient, somebody they had never seen before. Again, there was this outpouring of compassion, love, and volunteer spirit.

Today in the private sector, individuals and businesses have spontaneously donated well over \$300 million to this effort. It is growing by hundreds of thousands of dollars every day—again, a representation of the outpouring of generosity, concern from individuals, corporations, and businesses. It is this outpouring of compassion and support that is a testament to our national character, the character of being an American.

Here in the Senate, we have worked around the clock, as people have seen, with the emergency session last Thursday, and it continues today. We convened the emergency session Thursday

and passed an emergency supplemental of \$10.5 billion, and then the \$51.8 billion last night. The committee chairmen have all been charged and are working very hard crafting legislation to meet the urgent and long-term needs of the hurricane survivors.

This week, Speaker HASTERT and I announced the formation of a bicameral—that is, House and Senate—bipartisan committee to conduct a top-to-bottom investigation, analysis, review of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. It will report back to this body no later than February 15. They are going to review the emergency plans that were in place at the local level, at the State level, and at the Federal level, and how they interacted with each other, what went wrong and what went right. They will assess how local, State, and Federal governments actually responded, and when things went wrong, we will find it and we will correct it as we prepare for the future. Our committees will have legislative authority and will work with that joint committee based on those findings to legislate accordingly.

The Energy Committee this week held hearings on the surge in gas prices and what can be done to bring them down. We passed legislation to get the Federal court system in the affected areas up and running.

There are a lot of moving parts. We will continue to focus on legislation that answers the immediate response and relief, moving other business aside. Thousands of people need our help, and the three States need to recover and rebuild.

Yes, all of this is a massive undertaking. It is an undertaking that is going to force us to think out of the box, to think innovatively, to think creatively, to think in ways that we just simply have not thought before. In many ways it is inexcusable to have a response which is not seamless, which is not efficient, which is not focused on seamless communication. We are going to fix what is broken and we are going to do it aggressively, thinking creatively, innovatively, and out of the box.

As the Senate moves forward, helping the victims of the hurricane is our No. 1 priority. We are working through essentially three phases. And when I say phases, I think chronologically, but it is simultaneous phases. First is that immediate response to the victims who are in need, to the displaced persons, to continue that search and rescue. Whatever it takes, this body will make that an ongoing priority.

The second element is the longer term rebuilding and reconstruction and revitalization of that entire Gulf State region. That is a major focus. It is a focus that has already begun, but it is also a much longer focus. It will take weeks and months and years. And that focus is something that needs to be a part of our agenda, is a part of our

agenda, and each of our committees is looking at that.

The third element is an analysis of what went wrong and what went right. We will be doing that through our committee structure as well as the joint committee that has been established by the Speaker and me.

We need to cut the redtape and bureaucracy that is getting in the way. We hear it again and again and again. I have asked each of the committee chairmen to expedite proposals, suggestions to leadership, so we can consider those in this Chamber.

In closing, the Senate and the American people are committed to helping the Gulf Coast rise again in a bigger way, a better way, and a more prosperous way than ever. It will require us to think innovatively and creatively. In this hour of need, in this hour of tragedy and unrest, we can also find great opportunity and great reason for hope. We stand shoulder to shoulder with our neighbors from the Gulf today, tomorrow, and in the months ahead.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased today to return to the consideration of H.R. 2826, the Commerce, Justice, Science and Related Agencies Appropriations for the fiscal year ending September 30, 2006. I thought we had a very productive opening day yesterday. We heard from many of our colleagues. We will continue to do that. We have several amendments that we are in the process of reviewing on both sides of the aisle here, and we are doing our best to consider the views and concerns of all Members.

Again, I would like to reiterate this morning how important it is that Members let me and Senator MIKULSKI and our staffs know of any amendments they plan to offer. I urge those Senators with amendments to come to the floor. This is a very important bill. This funds a lot of very important agencies, and the quicker we can realize what we have to do and how we are going to go about it, the better off we are and we will expedite this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

HONORING OUR ARMED FORCES
LANCE CORPORAL KEVIN S. SMITH

Mr. DEWINE. Mr. President, I rise this morning to honor a fellow Ohioan, a young man from Springfield. Twenty-year-old LCPL Kevin S. Smith was killed on March 21, 2005, when a suicide bomber detonated an explosive-filled

car against Smith's Humvee. Lance Corporal Smith was conducting stabilization operations in Al Anbar Province, protecting Iraqi civilians he had been among for less than a month.

Kevin Smith had a profound sense of duty. Before he had even graduated from high school, he knew he wanted to be a marine. At a very young age he had the resolve to defend his country abroad, and as Kevin grew he developed the thoroughness, the competence, and the compassion that helped him serve with distinction.

Kevin Smith was born on September 24, 1984, in Springfield to proud parents Ronald and Kathy Smith. Growing up, Kevin enjoyed baseball and playing his guitar. He attended Kenton Ridge High School where he was a member of the Spanish National Honor Society. Marsha Stoner, head of the society, taught Kevin for 3 years. She recalls immediately noticing him in her class, and at the ceremony in Kevin's honor described her former student as "genuine, kind, and gentle."

Principal Chuck Foss remembers Smith as the kind of person who "just did things the way they were supposed to be done." He continues: "I would take a whole school of kids like him."

Indeed, our whole country could use more men such as Kevin Smith.

School was not the only place Kevin showed his reliability and personal strength. As those who own older cars know well, sometimes your own automobile becomes your greatest challenge. Kevin owned a decaying 1993 Toyota Celica that he lovingly named "Doughnut."

With spare parts and elbow grease, Kevin kept the Celica in working condition long after this "doughnut" should have sputtered its last sputter.

Kevin had the drive it took to keep that aging car running. He saw a job that needed doing, and made sure it got done right. Also, while working on the car, Kevin developed the ingenuity he would later apply in the Marines. Lance Corporal Smith could disassemble a medium machine gun—twice—in a minute and forty-eight seconds.

Kevin met his fiancée, Kristi Leider, at Kenton Ridge. They planned to marry. Kevin looked forward to becoming a husband and becoming a policeman so he could protect his family and his community. But first, there was something he had to do. He had to protect his Nation as a Marine.

After graduating from Kenton Ridge in 2003, Kevin departed to serve. In Iraq, he was a member of the 3rd Battalion, 2nd Marine Regiment, known to marines as the three-two. Kevin Smith was a natural leader, always the last to bed after checking on every member of his team. Sergeant Clive S. Chinatomby, Kevin's squad leader, had the following to say about Lance Corporal Smith:

He was a team leader and was the first one to jump up and volunteer for anything. Anytime I'd go to him with something, it would get done.

Kevin Smith would get it done—and he would get it done right.

Lance Corporal Smith was more than just able and dedicated. He was compassionate. Smith would joke with his team, telling them clever one-liners as they patrolled. He not only did his best to protect the Marines around him from the physical perils of war, he shielded them from the stress and tension of being under constant threat. At a memorial service following Kevin's death, Sergeant Chinatomby attested to Kevin's infectious good humor:

He kept me on my toes. Everything in life had a smart comment. He always had a come back for you, and he taught me not to take life that [seriously], because there is always a lighter side to things. He made situations a lot less stressful.

Tragically, on March 21, 2005, Kevin's squad lost a friend, his parents lost a son, and the United States lost a brave and dedicated Marine.

Kevin's Company First Sergeant, J.W. Rovnak wrote this message to the Smith family as a tribute to the kindness and service Kevin gave the men of the three-two:

It is difficult to express the loss the men and I share here in Iraq. We bite back tears and mourn quietly in dark corners as we focus on the task at hand. We live for the day that we can grieve with you and try to give back to you all that Kevin has blessed us with. He lives in us, and our lives are forever touched and changed because of him. I am honored to have known him. Semper Fi.

Nathan Heironimus, Kevin's childhood friend, remember his kindness, good humor, and dedication. He wrote Kevin the following message in tribute:

Kevin—We had some good times these past fifteen years or so—playing backyard sports and videogames as kids, [playing] music, and cruising around in [old doughnut]. It seems like we did it all. You'll always be remembered by me as an easy-going comedian who just knew how to take it easy and enjoy life to the fullest. Easy to talk to and determined, I know you were a great leader for your team like you always were. We're all proud of what you've done for our country!! I know you're up there smiling down on us all now.

Kevin was as good a soldier as this country could ask for. He got the job done, he was trusted and loved by his fellow Marines, and he was dedicated to the protection of democracy—be it abroad or at home.

Lance Corporal Smith offered us his blood, sweat, and tears. He left an indelible mark on this world. He will never be forgotten. His family and friends honor the sacrifice he made, the Marines of the three-two honor the sacrifice he made, and today, I honor that sacrifice.

My wife, Fran, and I continue to keep Kevin's fiancée, his parents, and his sister in our thoughts and in our prayers.

SERGEANT MICHAEL FINKE, JR.

Mr. President, I rise today to pay tribute to Marine Sergeant Michael Finke, Jr., who was one of 31 servicemembers killed when their helicopter crashed near Rutba, Iraq, on January 26, 2005. After securing Fallujah for the

upcoming elections, 28 year-old Michael and his unit were being transported north for another security mission.

Born in Scottsdale, AZ, on October 31, 1976, Michael moved to Medina, OH, when he was 6. Michael was a quiet boy—polite and considerate. His father, Michael Sr., remembers his son “[making] friends everywhere he went. He was a practical joker. He didn’t smile very much, but boy, when he did—when he laughed—everybody knew they should be doing it, too.”

Michael always dreamed of becoming a Marine. His mother, Sally Rapp, remembers that ever “since [Michael] was a little guy, he always talked about being a Marine.” He not only talked about it, he tried to do something about it. When Michael was 15, he sent the Marines a postcard, lying about his age and informing them he would like to enlist. When this attempt failed, Michael tried again the following year. This time he received a letter in return, telling him to get into shape. When he turned 17, Michael was finally able to realize his dream of being one of the few and the proud. With the signed consent of his father, he enlisted in the United States Marines Corps.

Before he became a Marine, Michael was a student at Medina High School and then at Huron High School. Michael played football and baseball. He was the catcher on the 1995 Huron high school baseball team that won the Sandusky Bay Conference Championship. It was the first time Huron had won the conference since 1987. Michael’s coaches remember him as a nice young man and a team player. One of his baseball coaches, Don Wood, said that Michael was “a kid [who] worked hard and did his best every day he came out.”

Michael also sang in a mixed choir during his senior year of high school. His choral director remembers Michael as “. . . a quiet guy, even in choir. He was a good student for me. The quiet ones tend to be good students.”

While Michael enjoyed the benefits of high school life—playing on a championship baseball team, singing in the choir, hanging out with his friends—he was very much looking forward to life as a Marine. You see, Michael came from an honorable line of military men. His grandfather was a Marine and his father was a member of the 101st Airborne, serving as a helicopter door gunner during the Vietnam War—service for which he earned the Bronze Star.

With such a military tradition in his family, it is easy to see why Michael was so interested in becoming a Marine. Long after he had joined the service, Michael’s mother found an old briefcase that Michael had used to store his Marines memorabilia. It was stuffed with brochures and information packets. As his mother says, “I think he spent half his life at that recruiting office!”

Michael’s younger brother, Tim, was always skeptical of Michael’s desire to become a Marine. But, when Michael came home wearing his dress uniform for the first time, Tim was convinced that it was the right thing. He said: “[Michael] was only 5 foot 6 inches tall, but [in that uniform] he looked 8 feet tall. He was bigger than life. I understood why he wanted to be a Marine.”

Indeed, the Marine uniform—representing bravery, sacrifice, and honor—was a perfect fit for Michael Finke.

After boot camp, Michael was assigned to Camp Pendleton, California. It was there that he met his soul mate, Heather Dohrman. The two married on October 11, 2002, in Las Vegas. Because of Michael’s duty assignments and Heather’s education commitments, the two were only able to spend a limited amount of time together. But they made every moment count. They were deeply in love and had planned to start a family once Michael returned from Iraq.

Michael almost wasn’t deployed to Iraq. He was serving on the USS *Essex* and when the roster of Marines aboard who were being deployed to Iraq was posted, and—to his dismay—Michael’s name was not on the list. He lobbied his superiors, begging to go with his men—his friends his brothers. Upon hearing that her son was actively seeking a tour in Iraq, his mother asked Michael, “Are you crazy?!” His response rings true to the core beliefs of all Marines. “That’s my family,” Michael said. “I have to be with my family.”

Michael found Iraq to be a dangerous, yet inspiring place. He was privy to the daily death and destruction that defined the city of Fallujah, as he and his unit helped to provide security for the city. But, he was also deeply involved with the children of Iraq. According to his grandmother, Donna Thompson, “[Michael] said the kids were absolutely wonderful children. He just adored them.” He also told his mother, Sally: “Mom, I just love the kids, I just look in their eyes, and I know the future of Iraq is in the children.” Michael truly believed in his mission—that he was helping protect the freedom and futures of Iraqis, as well as Americans through his service.

Michael Finke was a great Marine. Sergeant Major Ramona Cook recalls serving with Michael. In an email posted to an Internet tribute to Michael, she wrote:

The news of Sergeant Finke’s death was numbing, and it hurt. I had the pleasure of serving with Sergeant Finke as his 1st Sergeant at Camp Pendleton. His caring attitude and calm demeanor set him apart, and he was truly a leader of Marines. I hope his family finds some solace in knowing that Michael died a hero, and will forever be remembered and missed.

Michael Finke, Jr., was an exceptional human being, who was loved by his wife, his family, his friends, his fellow Marines, the children of Iraq, and anyone else who came into contact

with him. He was a living, breathing exemplar of the Marine Corps’ values: honor, courage, commitment. Michael grew up desperately wanting to become a Marine and upon achieving that goal, he served with dedication and distinction.

One of the people Michael admired was General George S. Patton. In regard to how we honor our fallen servicemen and women General Patton once said this:

It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.

We are indeed thankful to God that Michael Finke, Jr., lived. He was a good person—a loving, selfless, passionate man. This earth is a better place because of him and because he lived.

My wife Fran and I continue to keep Michael and his wife, parents, and siblings in our thoughts and prayers.

CORPORAL TIMOTHY KNIGHT

Mr. President, I rise today on the floor of the Senate to honor the life of 22-year-old Marine Corporal Timothy Knight. On January 26, 2005, Timothy, from Brooklyn, OH, and 30 fellow servicemembers were killed when the helicopter they were riding in crashed near Rutba, Iraq. Timothy, or “Timmy” to those who know him, was a member of the 1st Battalion, 3rd Marine Regiment, 3rd Marine Division.

Timmy’s mother, Jeannie, remembers her son growing up as a “normal Brooklyn kid.” He was interested in sports and the outdoors. He was outgoing and likable—respectful and easy-going. Timmy was well-liked in the community and at school.

He attended Brooklyn High School, where he played football and ran track. Teachers from Brooklyn remember him as a good student, who was always roaming the hallways with a confident gait—a confidence that came from knowing he would someday become a U.S. Marine.

That is what he wanted to do. Ever since he was eight years-old, Timmy knew he wanted to serve in the Marine Corps. He was fascinated by the discipline and the sharp uniforms. And, after watching war movies with his father, he would spend hours dreaming of the heroic adventures he would eventually embark upon.

Before joining the Marines, however, Timmy pursued another career interest—and that was law enforcement. He decided to attend the Polaris Career Center while in high school and take law enforcement classes. Upon completion of his service in the Marines, Timmy hoped to become a State Trooper or a U.S. Marshall. He came one step closer to this goal when he graduated from Brooklyn High School and Polaris Career Center in May 2001.

Going all the way back to the 3rd Grade, Timmy had his eye on yet another goal—someday marrying a girl named Gina Delligatti. Now, this took a few years of convincing on Timmy’s part. Let’s just say that the two didn’t

get off on the right foot. According to Gina, Timmy was constantly teasing her. This “teasing” continued from grade school into high school, when Timmy was no longer interested in making fun of Gina, but rather just interested in her. This teasing-turned-flirting eventually caught Gina’s attention, and she remembers Timmy, little by little, “growing on [her].”

The 8th of May 2000 was a serendipitous day for Timothy Knight. He was mourning for his beloved dog, which had just passed away. Gina came over to console him and seeing how upset he was, tried to lift his spirits. She agreed to start dating Timmy. After nearly a decade of teasing and flirting, Timmy and Gina finally became a couple. And, they never once looked back.

Timmy and Gina were two people made for each other. Their senior class voted them “Most Popular Couple.” Two years after graduating, in November 2003, Timmy and Gina were married. Those attending the ceremony may have noticed that Gina was not wearing any shoes. The reason was that Timmy was about 5 foot 6, and Gina was a little bit taller. Timmy, in fact, frequently used the nickname “Big Bird” when referring to Gina. So, in deference to Timmy not wanting to “look really short” next to a high-heeled bride, Gina went shoeless for the ceremony.

Such compromises were common for Timmy and Gina. She remembers Timmy as her best friend. She said that “he was a great husband, who cleaned the car every Sunday and cooked. He really only cooked two dishes that I had taught him, but he cooked! Not everyone can say that about their husband!”

When people who knew Timmy describe him, the first thing that usually comes to mind is his sense of humor. His mother remembers his laughter and ability to make people feel at ease. Gina remembers Timmy being something of the “class clown” in high school. And, from what she has heard from the other Marines in Timmy’s unit, he could always be counted on to lighten the mood when things got bad. Gina and others remember Timmy’s smile:

It was a grin that made you laugh. And, you laughed despite him having done something to make you mad. So, even though you wanted to wring his neck, you grinned back at him, because you had to. He just had that way about him.

While Timmy was deployed in Iraq, Gina gave birth to a daughter named Chloe. Timmy never got to meet his daughter, but Gina believes he would have been a fantastic father. I have no doubt that would be the case.

Timothy Knight’s life was cut tragically short on that January day when his helicopter went down. Thirty-one sets of parents lost their children on that fateful day. One parent, Sally Rapp from Westlake, OH, and the mother of Army Sergeant Michael Finke, understands the pain that

Timmy’s mother Jeannie experienced when her son was killed. She, too, lost her son that day. Sally wrote the following wrote in an email message posted on an Internet tribute after Timmy’s death:

My son, Sergeant Michael Finke, was on the helicopter with Tim. My condolences to the family, as I share in the pain of losing one so loved. We are forever united through the sacrifices that our young men were willing to make. Thank you and God Bless.

While there are no words that can ever ease the pain of losing a child, we may take solace in knowing that both Timothy Knight and Michael Finke made use of every moment they lived. As Adlai Stevenson once said, “It is not the years in your life, but the life in your years that counts.”

Indeed, Timothy Knight lived a lot of life in those 22 short years. Timothy Knight lived his life to its fullest as an easy-going kid from Brooklyn, OH, who loved his wife, his family, and his new daughter, Chloe. We honor him today on the floor of the U.S. Senate, because he put his love for his country, his love for our freedom and the freedom of others, first—above all else. He gave his life in the hope that Chloe’s generation would see a safer, more stable world.

We will always honor his life and never forget his sacrifice.

PRIVATE FIRST CLASS JASON SPARKS

Mr. President, on September 16, 2004, more than 1,000 people gathered in the Monroeville, OH, high school gymnasium to say goodbye to one of their own—Army Private First Class Jason Sparks, who died while bravely serving in Operation Iraqi Freedom. Those who gathered could not help but think that this brave young man was very much alive just 14 months ago in that same gymnasium—receiving his high school diploma.

Members of the high school football team, clad in their black and gold uniforms, escorted the body of 19-year-old Jason out of the high school for the last time.

Jason Sparks was a well-adjusted young man, who could make anyone smile. In his all-too-brief 19 years on this earth, he made a lasting impression on all those who knew him.

Jason was born to loving parents—Scott and Lisa Sparks. Even as a young boy, Jason was outgoing. His dad remembers his young son as a “child who loved everyone he came into contact with” and who “didn’t have a shy bone in his body.” He remembers Jason asking him for hugs by saying, “Big hug! Big hug!”

At Monroeville High School, classmates and teachers remember Jason as the outgoing kid who was always smiling. Not only did students love to be around him, so did the teachers. Principal, David Stubblebine, describes Jason as “the kind of kid who would walk into the office, plop down, and say, ‘How ya’ doing?’” Janet Gerber, a counselor at the school, remembered Jason as honest and straightforward—and always helpful around the office.

Jason was also very athletic. He pitched and played first base on the baseball team and played special teams, tackle, and guard on the football team. Ben Paul, the school’s athletic director, remembers Jason as “the kind of athlete who put team goals ahead of individual goals. He was an integral part of that team’s success. He was a hard-working kid and a good athlete.”

Outside of school, Jason loved playing on his Xbox video game system and hanging out with friends. He also worked at two fast food restaurants in nearby Norwalk, OH. It was there that he met the love of his life, Jennifer Smith.

Jennifer remembers meeting Jason while the two worked together. In the beginning, she wasn’t interested, but Jason persisted and the two became friends. The friendship slowly evolved into something more and Jason eventually proposed and they got engaged.

After graduating from high school in 2003, Jason was looking for a way to prepare for college and, eventually, dentistry school. He decided to join the Army, as did his fiancé Jennifer. Jason trained with the 1st Battalion, 503rd Infantry, 2nd Infantry Division at Camp Casey, Korea, before heading to Kuwait. While there, the military newspaper, Stars and Stripes, asked him how soldiers deal with training in the intense Kuwaiti heat. Jason replied that after South Korea, it didn’t bother him too much, and he would advise drinking a lot of water. Jason excitedly called his family to tell them that he was featured in the article.

Jason made sure to call his family often—especially his 6-year-old sister, Sarah. Scott Sparks noted that despite their age difference, Jason and Sarah were very close. His mom Lisa loved to hear from her son, whom she called, “a hugger, not a fighter.”

In early September 2004, Jason was sent to Iraq, and tragically—less than a week after his arrival—he was killed when insurgents fired on his patrol.

In an email posted on an Internet tribute following Jason’s death, fellow soldier Private First Class Anthony P. Herber of Norwalk, OH—who, at the time of writing his message was stationed in Mosul, Iraq—wrote the following:

Jason—you were my best friend, and I will never forget that you are the reason that I am still here today. You were a caring person, and nobody will ever forget that. I miss you man, and as I sit here in Iraq, I just hope I can be the hero you are to all of us.

The tight-knit community in Monroeville also deeply felt Jason’s loss. The flag hung at half-staff at the high school, and those gathered for the football game on a September night heard a tribute to their fallen classmate. Dick Winslow, commander of American Legion Post 547 in Monroeville said that “Jason sacrificed his life in Iraq for the cause of freedom. Jason rubbed shoulders with us. He was one of us.”

On September 16, 2004, hundreds of mourners lined the funeral procession

route to show their support for the Sparks family. In response to this outpouring, Scott Sparks remarked that "[Jason] touched a lot more people's lives than we ever knew."

Indeed, Jason Sparks touched countless lives around the world through his service to America and his support of the Iraqi people. I'd like to conclude my remarks with the heartfelt words of Deanna Morgan Mack, a friend of Jason's from Monroeville on whom Jason had a strong, lasting impact. Deanna wrote the following:

Jason . . . you were such an amazing friend. . . . I do not know of anyone who didn't love you. I'll never forget the times seeing you at church or at the high school. . . . I know that we never really talked that much but whenever I'd see that smile of yours that could brighten up a room, I couldn't help it and had to smile, too.

I'll never forget when [my brother] was sick one day and mom sent me in to get his Homework and I saw you standing there. I was in the worst mood possible and had tears running down my face. You bent down so we were eye to eye, and as you wiped the tears away with that million watt smile, you asked me what was wrong and if there was anything that would make it better. I was between the ages of 10 and 11 and as a little kid the only thing I thought would make it better was an ice cream. I told you that, and you said, "Well I don't know if I can give you that, but I can tell you this—whatever your problem, God will help you solve it." And then, you just smiled again as you eased your way upwards. I thought about your words, and it wasn't until a couple years ago that I actually understood what they meant. But, I'll always remember how I walked out of that office with the biggest grin on my face. Thank you for being like an older brother to me, Jason. I'll always look up to you in Heaven above. And, when I have a problem, I think that before I ask God, I'll ask you, and I'll picture that smile and know that everything will be okay again. I love you and miss you with all my heart Jason Lee Sparks. May God rest your soul.

SPECIALIST GAVIN COLBURN

Mr. President, I rise today to honor a fellow Ohioan and brave soldier. Army SPC Gavin Colburn, from Frankfort, served with the 542nd Transportation Company in Iraq. Specialist Colburn lost his life on April 22, 2005, when a roadside bomb detonated alongside his convoy. He was 20 years old.

Gavin Colburn sacrificed his life for the safety of the American people, the survival of a new Iraqi freedom, and for the men and women serving alongside him. He continued to give of himself even during the last moments of his life. When the roadside bomb exploded near his vehicle, Specialist Colburn threw his body over fellow soldier Michelle Pfister, shielding her from the blast. Specialist Colburn had promised Michelle's father that he would watch out for her. He kept his promise.

Gavin was born on January 24, 1985, in Washington Court House, OH. He attended Adena High School in Frankfort, where he was a member of the basketball and track teams. His basketball coach, Mike Patrick, described him as a "consummate teammate," with a great physical energy—a sentiment shared by Gavin's close friend,

Andrew West. "We'd all complain that we had to run so far," said West. "Gavin never complained." Whether as a member of the track team or as a member of an Army company, Gavin was the ultimate teammate.

In eighth grade, Gavin befriended Andrew. Gavin treated Andrew, who was younger, like a brother, teaching him the simple truths that help boys become good men. Andrew remembers Gavin as endlessly patient and misses the time they spent together wandering their neighborhood, playing football and basketball.

After high school, Gavin met Sarah Kern while working at McDonalds. Gavin was so taken with Sarah that he worked up the courage to hand her his phone number—right in front of her mother. They spent more and more time together, and eventually made plans to marry as soon as Gavin left the service.

Gavin looked forward to his life with Sarah and wanted to provide for his future family. He joined the Army Reserves in 2003 to help pay for a college education and eventually a law degree. Tony Colburn, Gavin's father, offered to pay his son's tuition—an offer that Gavin refused. He wanted to do it himself. He didn't want to burden his family. This decision was yet another example of Gavin Colburn's willingness to sacrifice for the sake of others—a creed that defined his all too brief life.

In the service, Gavin quickly impressed his superiors with his bravery and quiet competence. Brigadier General Michael Beasley remembers him as the "go to guy" of the 542nd. Colburn quickly rose to the rank of Specialist. "He would have been a Sergeant in a matter of months," said General Beasley. In the Army, Gavin conducted himself with the same sacrifice and dedication coach Patrick recognized years before. Indeed, Gavin was a "consummate teammate."

Specialist Colburn posthumously received a Purple Heart and Bronze Star for saving the life of his fellow soldier. Though ribbons and medals do not define his service, they are a fitting honor for a young man who gave his life so that another might live.

Gavin would have liked to know that his friends and loved ones—his neighbors and teachers—understand why he gave his life and are grateful for his service to them, to Frankfort, to our Nation. In a written memorial created by Gavin's friends, those who knew him well remember his sacrifice. Michelle Pfister, the soldier whose life he saved, wrote this:

Gavin was a very special person to me. I was in the truck with him on that night, and if he [had not] used his life to save mine, I would not be here today. Gavin—I love you and miss you so much. Thank you so much for keeping your promise to my family. You will always be my big brother.

Gavin left an indelible mark on this world, in the lives he protected and the friends he inspired. Andrew, his friend from childhood, wrote him the following message:

I will think about you daily and the sacrifices you made not only for your country, but the ones you made for your hometown, for your friends, and fiancé and your parents. We'll miss you buddy.

In May, Andrew carried on Gavin's mission to protect by enlisting in the U.S. Army. It is through acts like these that the memory of Gavin Colburn lives on.

We must remember the honor he earned, but it is equally important to remember the life Gavin lived—how he spent his time, how he treated others. Gavin's cousin, Stacey, wrote this to him:

Gavin, there [are] not any words to describe how proud I am of you. You have always been great at everything you have done in your lifetime. You will always be my little cousin, and I will always remember you and all of our memories we had while growing up. We will never forget you. I love you, and hope to see you again one day in Heaven but until then, [rest in peace] my hero.

Gavin Colburn lived bravely, selflessly, and with tireless energy. He held nothing back from his community, or from his mission to protect freedom. Gavin has inspired greatness in so many others. His friends, his family, and his Nation are proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep Gavin's family in our thoughts and in our prayers.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERGEANT DARRIN KEITH POTTER

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Darrin Keith Potter.

Sergeant Potter of Louisville, KY, served with the 223rd Military Police Company in the Kentucky Army National Guard. On September 29, 2003, he gave his life in defense of our country in the vicinity of Baghdad, Iraq.

On that day in September, nearly 2 years ago, Sergeant Potter and two of his fellow soldiers were responding to reports of lethal bombing attacks by terrorists near a prison facility. His MP team tried to drive around a tight corner in a Humvee, but overturned into a canal.

Although his teammates escaped the vehicle safely, sadly, Sergeant Potter did not, and drowned. He had faithfully served his nation as a citizen-soldier for 5 years. He was 24 years old.

For his valorous service, Sergeant Potter was awarded the Bronze Star Medal and the Purple Heart. He was awarded the Kentucky Distinguished Service Medal, which is the second highest honor that the Commonwealth

of Kentucky can bestow. He had also received both the Army Reserve Component Achievement Medal and the Army Achievement Medal numerous times in his years of service.

Sergeant Potter's aspiration to defend others dates back to his formative years, when he dreamed of one day becoming a police officer. While a student at Butler High School, in Louisville, he joined the Jefferson County Police Explorers, a program for boys and girls interested in a law enforcement career.

There he experienced all of the inner workings of law enforcement, and learned what the phrase "protect and serve" truly meant. He served as Captain of his Explorer Post and was named Male Explorer of the Year in 1998.

Darrin decided to enlist in the Kentucky National Guard and join the military police before he graduated high school in order to help him achieve his life-long goal of joining the Jefferson County Police Department. He wanted to gain invaluable experience with law enforcement and serve his community and his country.

Shortly before his 21st birthday, Sergeant Potter was deployed to Bosnia for a peacekeeping mission. He served with honor for 7 months. Captain Adrian Wheeler, Darrin's company commander in Iraq who also served with him in Bosnia, says that Darrin "could be trusted with an important decision. He was physically tough, he was mentally tough."

In late 2001, near the end of his deployment in Bosnia, Sergeant Potter realized his dream and was accepted to the Jefferson County Police Academy. The session was to start 2 weeks before he was due back from Bosnia. Undeterred, Darrin arranged with his commanders and the academy to leave Bosnia one week early and start at the academy one week late. Nothing would deflect him from his goal, and on February 1, 2002, he was sworn in as a Jefferson County police officer. His mother, Lynn Romans, called it "the happiest day of his life."

The rest of Sergeant Potter's unit returned from Bosnia on September 10, 2001. The next day was to be their welcome-home party. Instead, September 11 will be remembered as the day when America's mission in the world, and the mission of our armed forces, forever changed.

Sergeant Potter was deployed in Iraq in February 2003. Darrin and his unit were charged with guarding prisoners and escorting the many convoys which traveled in and out of Baghdad. It was a mission which suited Darrin's experience with law enforcement well. He served nobly and with great valor, and made everyone in our Commonwealth proud.

Since childhood, it was clear Darrin Potter had a strong, energetic spirit. Born in Flemingsburg, he grew up as a bright young boy who enjoyed sports, playing in Little League and in count-

less games of wiffleball, baseball and softball after school. As a child he lived in Pleasureville, Frankfort, Maysville, and finally Louisville, making friends wherever he went.

At age 5, it was not unusual for boys ten years older than Darrin to show up at his door, asking if he could come out and play. Perhaps it is because Darrin's dad, David, had lots of softball equipment. But all those who knew him would say that his endearing, fun-loving personality played no small part in his popularity.

Darrin grew up rooting for the University of Louisville Cardinals and the Cincinnati Reds. He loved Corvettes, and as a young man bought a red Corvette, which he treasured and protected. His father was his best friend, and the two often played softball together on the weekends. He was a good student, but he sometimes got into trouble for talking too much. You see, Darrin genuinely liked people.

One of the very first things Darrin did upon arriving in Iraq was to build a volleyball court. In the middle of the desert, Darrin took out his tape measure and set up a perfect court for the soldiers to have volleyball tournaments.

Captain Wheeler, Darrin's company commander in Iraq, has said of Darrin, "he was just a regular guy, but a pretty extraordinary regular guy."

I would suspect that Sergeant Potter would have humbly considered himself a pretty ordinary guy. But the very fact that he and so many other ordinary Americans make such heroic choices—to guard others from danger by confronting it head on—is what makes them extraordinary, and makes America a truly extraordinary country.

We thank Darrin's parents, David Potter and Lynn Romans, and his sister, Anita Potter, for sharing Darrin's life story with us, and for being here today.

We are profoundly indebted to Sergeant Potter for his service and his sacrifice. Our sadness is tempered with the knowledge that his mission was to protect the freedoms we enjoy here in America, and to spread those freedoms throughout the world.

I ask my colleagues to keep the family of Sergeant Darrin Potter in their thoughts and prayers as we continue to pursue a path forward for our country. I know they will be in mine.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

INDEPENDENT COMMISSION

Mr. SCHUMER. Mr. President, I wish to speak for a few minutes on the proposal for an independent commission to

look into what has happened in the Gulf States. This issue has been spoken about, worked on so hard and so carefully by Senator REID, Leader PELOSI, my colleague, Senator CLINTON, and many others.

I speak from the experience of the devastation that occurred in New York after the terrorist attack almost 4 years ago. It will be 4 years this Sunday, and many of us will be at Ground Zero commemorating that.

I think of that every day to this moment, the people I knew who were lost—a guy I played basketball with in high school, a businessman who helped me on the way up, a firefighter from the community in which I was raised. I wear this flag. I put it on September 12, and I wear it every day and, God willing, will every day for the rest of my life in memory of those who were lost.

One of the main desires of the families of those who were killed in 9/11 was to get to the bottom of it. I believe it was a selfless desire, a desire to figure out what went wrong so it would not happen again.

Now we face a tragedy of similar consequence although of different origin, and that is the hurricane in the Gulf and the lack of an excellent response to it. Obviously, our first concern has to be rescuing those who are still in need of help, making immediate provision for the hundreds of thousands of individuals who were displaced and trying to deal with the immediate aftermath. Then we will have a longer term job of restoring the city of New Orleans.

I have talked with Senator LANDRIEU and Congressman JEFFERSON about what we learned in New York about bringing people back to an area that had become temporarily abandoned. That is what happened to downtown on 9/11. But another thing we are going to have to do is figure out what went wrong with the same positive motivation that motivated us after 9/11, and that is so we might reduce the chances of loss of life, loss of property in the aftermath of it happening again.

We learned one thing. We learned very simply that the best way to get to the bottom of this is have an impartial, nonpartisan commission not composed of politicians. The best way to get to the bottom of this, frankly, is to repeat the experience of the 9/11 Commission and have a group of people—many experts in different fields, some citizens with motivation to find out what went wrong—and give them the authority they need, the resources they need, the time they need, and let them get to the bottom of it.

Frankly, there has been a lot of discussion of how we should do this in the House and Senate. From what I understand, the majority leader is now considering simply having joint hearings with the Homeland Security and Governmental Affairs Committee, joined with the House. I have no objection to that, but I will say this: When elected officials, when politicians are on a commission, generally it does not work

out. Republicans will have a natural view to defend the administration. Democrats will have a natural view to attack the administration. Both are legitimate roles. But to assure the public that the truth will actually be found, a nonpartisan commission, not composed of elected officials, is the best way to go.

The calls for doing things in the House and Senate with our particular needs—appropriations, oversight of various Government agencies—is not a bad one, but only if it is not a substitute for an independent commission.

I hope my colleagues will rise to the call in the next few weeks and months. We do not have to constitute this commission immediately, but we should do it soon enough because, again, the only way to assure the public that we are getting to the bottom of this is to have a commission that is nonpartisan and not populated by politicians, each of whom has a legitimate ax to grind—a legitimate ax to grind, but it is an ax to grind nonetheless.

I wish to make one other point before I yield the floor. The initial calls for an independent commission after 9/11 were resisted. They were resisted by the administration, and they were resisted by many in the House and Senate. But it was the fortitude of the families of the victims, the survivors—Kristen Breitweiser and her colleagues from New Jersey, so many of the families I know from New York—who forced the Commission to occur.

My guess, my prediction is this: If we do not form that commission ourselves, on our own volition quickly, at some point the citizens of the Gulf States will demand that we do so in any case as we move past the tragedy and hopefully begin to rebuild for those who have been caught in this gulf catastrophe. Those who lost loved ones, at least some of them will do what was done in New York. They will band together and try to do everything they can to help a community they love. And they will urge us and importune us, just as the families in New York did, to form such a commission. That is my guess. It is just how things are. And it is the right thing to do. So let us do it now. Again, it does not have to be done next week. It probably should not be done next week. Our main goal should be to focus on helping those who need help. But within the next month or two, without question, if we really want to get to the bottom of what went wrong to prevent it from happening again, we should form an independent commission, not composed of elected officials with an ax to grind but nonpartisan citizens of various expertise to figure out what went wrong and to give us guidance as to how to avoid it in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask I be allowed to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, it is essential that we turn promptly to consideration of the Defense authorization bill. Our troops are fighting in Iraq and Afghanistan and providing law and order and saving lives in the aftermath of Hurricane Katrina. The Defense authorization bill contains numerous provisions to improve their compensation and enhance the quality of their lives and their families' lives. Passing the Defense authorization bill sends an unmistakable message that we care about them and that as a nation we appreciate their sacrifices.

More than 64,000 Active-Duty and National Guard troops have been sent to the Gulf Coast where they are assisting in the recovery from Hurricane Katrina. These troops are playing a critical role in conducting search and rescue missions; evacuating displaced persons; providing security in impacted areas; delivering essential food, water, and medicine; and rebuilding damaged infrastructure throughout the region. I saw firsthand last Sunday in Battle Creek, in my home State of Michigan, just how effective and professional the Michigan National Guard is in preparing for the needs of hundreds of evacuees of Katrina.

And, of course, about 138,000 American soldiers, sailors, airmen, and marines are engaged in taking on aggressive insurgency in Iraq, and 17,000 remain in harm's way in Afghanistan. Tens of thousands more are supporting the war effort through deployment thousands of miles from home. Our Armed Forces also continue to bear the brunt of the continuing effort to stabilize and rebuild Afghanistan, keep the peace in Bosnia, Kosovo, and other hot spots, while remaining prepared to execute other missions in support of the national military strategy.

Some of these troops deployed overseas are from the Gulf Coast area. Some of them will soon return home to find that Katrina has damaged or destroyed their homes. Some will have nothing left. Taking up and passing the national Defense bill will improve their quality of life while they remain on active duty and when serving in hurricane recovery duty. Passage of the Defense bill will send an important message to them that we as a nation understand their loss and appreciate their service.

At a time when members of our Armed Forces are performing heroically both at home and overseas to make our country safer and stronger, it would be unconscionable to give the Defense authorization bill anything less than top legislative priority. Our military both needs and deserves the support that Congress can provide in the Defense authorization bill.

First and foremost, the Defense authorization bill would support our troops by improving compensation and quality of life for our service men and

women and their families as they face hardships imposed by continuing military operations within the United States and around the world. For example, the bill would provide funding for a 3.1-percent across-the-board pay raise for military personnel. The bill contains a \$70 million increase in childcare and family assistance services for military families and \$50 million in supplemental educational aid to school districts affected by the assignment or location of military families. The bill would provide increases in housing allowances and payment of over 20 types of bonuses and special pay for our service men and women.

The bill will increase the death gratuity paid to survivors of our military personnel who die while on duty. It would increase their life insurance to \$400,000. And that total death benefit of \$500,000 is a small price for a nation to pay to a family of a soldier or sailor, an airmen or marine who has made the ultimate sacrifice of giving his or her life in service to our Nation.

If the Defense authorization bill is not enacted, the military's authority to pay bonuses and special pay to our men and women in uniform will expire, exacerbating an already troublesome problem that we face in recruitment and retention. If this bill is not enacted, the enhanced death gratuity of \$100,000 and the increased life insurance benefit that we enacted for servicemembers earlier this year will lapse and substantially lower benefits will be reinstated. If this bill is not enacted, more than \$6 billion in military construction and family housing projects to improve the conditions in which our servicemembers work and live will be unable to proceed.

The Senate obviously has a lengthy list of legislation that it wants to consider and needs to consider over the next few months, but surely if we truly value the contribution that our Armed Forces have made and continue to make every day, each and every minute at home and abroad, taking up and passing the Defense authorization bill before the end of this month will reflect that sentiment. It is essential we do so. We have many things to take up, but I can't think of anything more important, other than our response directly to Katrina to help the victims and their families, than taking up and passing the Defense authorization bill.

I thank the Chair and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1649, 1659, 1668, 1673, 1674, 1675, AND 1676, EN BLOC

Mr. SHELBY. Mr. President, I now send a series of amendments to the desk, and I ask unanimous consent

that the amendments be considered read and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that these amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1649

(Purpose: To establish a task force to improve and target the Federal Government's policies with respect to the production and trafficking of methamphetamine)

On page 142, after line 3, insert the following:

SEC. _____. Within the funds provided for the Drug Enforcement Agency, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Agency which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: *Provided*, That within 90 days of enactment of this Act, the Drug Enforcement Agency shall submit a plan that outlines the governance structure and membership of the task force: *Provided further*, That within 120 days the Drug Enforcement Agency shall establish the task force and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

AMENDMENT NO. 1659

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$358,527,000, of which \$346,251,000 is for basic field programs and required independent audits (of which \$8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina).

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by \$37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

AMENDMENT NO. 1668

(Purpose: To provide funding for methamphetamine prevention education programs in elementary and secondary schools)

On page 137, line 3, strike "\$350,000,000" and insert "\$352,000,000 of which \$2,000,000 shall be for grants for methamphetamine prevention education programs in elementary and secondary schools to be offset by a reduction of \$2,000,000 in the Drug Enforcement Agency salaries and expenses in this Act".

AMENDMENT NO. 1673

On page 121, line 19, after "curity;" insert the following: "of which \$152,546,000 shall be for national security infrastructure;"

AMENDMENT NO. 1674

Page 162, line 23, after the word "mission," add the following: "\$371,600,000 for the Webb Space Telescope to be launched no later than 2013;"

AMENDMENT NO. 1675

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated under this act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place"."

AMENDMENT NO. 1676

(Purpose: To prohibit the use of funds relating to certain rulemakings)

On page 190, between lines 14 and 15, insert the following:

SEC. 5 _____. (a) For the period beginning on October 1, 2005, and ending on April 1, 2006, none of the funds made available by this or any other Act may be used to pay the salaries or expenses of any employee of any agency or office to implement any change to part 302, 303, 306, or 318 of title 13, Code of Federal Regulations (as in effect on December 14, 1999), pursuant to the interim final rule published August 11, 2005 (70 Fed. Reg. 47002; relating to the implementation of, and regulatory revision under, the Economic Development Reauthorization Act (Public Law 108-373; 118 Stat. 1756)).

(b) Notwithstanding the interim final rule described in subsection (a), the public comment period with respect to parts 302, 303, 306, and 318 of title 13, Code of Federal Regulations, shall be not less than 30 days.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I want to speak for a few minutes on one of the amendments the Senate just adopted by unanimous consent. That amendment contained the Combat Meth Act that Senator FEINSTEIN, my good friend and distinguished colleague from California, and I have cosponsored along with 40 other Senators. It is the most comprehensive methamphetamine legislation ever introduced, much less passed by this body, and I want to begin my brief remarks by thanking the Senator from Alabama and his staff for working with us, and the Senator from Kentucky for his good work. I know my friend from California feels the same way. We are very grateful for their efforts in including this amendment in this bill. It was very important to do.

It is amazing, since we introduced this bill, the response that we have had within this body and from the law enforcement and the social services community around the country. Senators and America are aware of the fact that methamphetamine is the single most deadly drug threat we have confronted certainly in my time in public life in the 20 years that I have been in legislative bodies. As bad as the other drugs are, it is worse than the other drugs. It is almost immediately addictive.

Let us send a message out right now: You cannot use methamphetamine casually. If you take it, you are going to get addicted to it. It changes the physical structure of the brain. It causes people to be more aggressive. It can turn some people into maniacs. Law enforcement will tell you other drugs are not as dangerous because they are passive. Methamphetamine causes people to become more aggressive. It changes the physical structure of the brain. It causes people to become more aggressive. It is almost instantly addictive and there is no known medical model for getting people off it. There is no methadone for methamphetamine.

I talked to a substance abuse counselor from Marriville, MO, about this one time. He had been in his line, in his profession, for 16 years, and he said: When I counsel somebody in trying to get somebody off methamphetamine, I just use the 12-step program and I rely heavily on the first step. There is a higher power who can help you because that is what it takes to get off methamphetamine. And there are some people who do. It is heroic and miraculous. But we have no known effective treatment. It is the perfect storm of drugs because in addition to all that, methamphetamine, unlike other drugs, is not just sold and consumed in our neighborhoods, which would be bad enough, it is made in our neighborhoods. And the process by which it is made, which is it is concocted in labs, presents by itself a huge set of problems and causes a huge number of social pathologies which our local authorities have been fighting heroically for years and years.

Methamphetamine labs are toxic. The process by which the drug is made and then used is toxic. There are all kinds of toxic chemicals that are being used. So when these meth cooks operate a lab in a home or a van, they create a toxic waste dump. It costs \$10,000 to clean it up. Our law enforcement officers have to be trained, not only as law enforcement officers but as environmental experts, because as they take down these meth labs they have to break them down, and it costs a lot of money, not even counting the training costs. Then the chemicals have to be disposed of in an environmentally safe way. That costs a lot of money. Because these labs are out there operating, it presents a whole host of additional dangers to our children, even beyond the fact that their parents or caregivers may be using a seriously deadly drug, because these kids are growing up in homes that are toxic.

I have had social service workers in Missouri tell me that when they pull children out of these environments, they have to decontaminate them, sometimes two or three times, because the residue of these toxins is all over their bodies. It is tragic and terrible. I have had law enforcement officers tell me they will go in and the air is so bad they have to wear breathing filters or moon suits, and there are little children running around within a few feet.

They have seen cradles next to methamphetamine labs. All of this is a problem with methamphetamine that does not exist with other drugs, as dangerous and as terrible as other drugs may be.

Methamphetamine is epidemic. The fact that it is relatively easy to make the drug and the information about it is all over the Internet means that there are, in my State alone, law enforcement tells me, hundreds, perhaps thousands of labs operating in isolated areas, and often in not so isolated areas. The home next door may be making methamphetamine. They make it in cars and vans. I have fire protection district chiefs in urban and suburban areas tell me half the vehicle fires they are fighting are meth related, because this is a dangerous process in which this drug is made, even resulting in fires or explosions—and these are chemical fires they have to fight.

I said in urban or suburban areas, because it is not just a rural problem anymore. It started there, but it spread to our urban and suburban areas. The consciousness of this moved many Members of this body to support this bill when Senator FEINSTEIN and I sponsored it, and to support it passionately. I was moved and pleased by the number of Senators who came, at our initial press conference, and spoke movingly because, of course, we get around in our States. We talk to people. We see the devastation and we have heard law enforcement, and the Senate has acted by adding the Combat Meth Act to this legislation.

I am very pleased about it. We have a chance now to send this over to the House. If the Senate approves the bill, which I am confident it will, I hope early next week, then we can get this bill passed and sent to the President's desk.

I promised to be brief. I was not, although I am sure listeners understand that brevity in the Senate means something different than it may mean in other places. But the bill contains a number of important provisions. Probably the centerpiece of it is a provision that would take cold medicines that contain pseudoephedrine and put them behind pharmacy counters around the country. This has been done in a number of States. Missouri is a leader in this. Oklahoma is a leader. Iowa is a leader. I thank Senator COBURN for his efforts in helping us, and Senator GRASSLEY for his efforts, helping us. They know what methamphetamine is, coming from the States from which they come. This would put these precursor drugs behind pharmacy counters. It means consumers will still have access but meth cooks will not. Because they have to assemble 20 or 30 or 40 packages of cold medicines in order to make methamphetamine, they will not be able to do it anymore. They will not be able to steal it or buy it because it is going to be behind pharmacy counters.

Then, in addition, there are a number of targeted grant programs designed to

assist our law enforcement and social service workers stopping this drug and dealing with the terrible fallout from it.

I am grateful to all those involved. We need to move now to the next step. We need to keep working in other ways, above and beyond this bill, in which we can stop this deadly drug.

I am grateful to all those who helped make this day possible, and I know I speak for Senator FEINSTEIN saying we are very pleased the Senate has adopted this and added it to this measure and that now we are in a position to send it to the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before the Senator from Missouri leaves the floor, I want to extend on behalf of every Member of the Senate our thanks to him for his leadership in fighting the scourge of methamphetamine. The Senator from Missouri has become the leader in the Senate in combating this scourge. On behalf of all Members of the Senate, I thank him for his extraordinarily effective work in this most important area.

Mr. TALENT. Will the Senator yield for a minute?

Mr. MCCONNELL. I yield the floor.

Mr. TALENT. Mr. President, the Senator has yielded the floor so I can add, for a moment, that I very much appreciate his kind words. I did not in my remarks talk at great length about Senator FEINSTEIN's efforts. I will have the opportunity to do it. I have done that in the past and I will have the opportunity to do that again.

The remarks of the Senator are very fine, but let me say Senator FEINSTEIN has been on this issue since at least the 1990s. She saw it coming. We have not completed anything yet. We still have to get this over to the House and pass it. There are other things we have to do. The remarks of the Senator are very kind, but Senator FEINSTEIN is the outstanding leader. It has been a great pleasure to work with her to this point and I look forward to continuing to work with her and other Senators from both sides of the aisle, getting this done completely, including the Senator from Kentucky. I know what a problem this is in Kentucky. He and I talked about this. I am grateful for his assistance.

I yield the floor.

MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. COLEMAN. Mr. President, on behalf of the people of Minnesota I have

taken the floor today to express our condolences to Rehnquist family for their loss and gratitude and admiration for his extraordinary life of service.

The Midwest, where William Rehnquist was born, does not have the high mountains or the pounding ocean surf of other parts of the country. We learn from our geography the value of moderation and dependability. William Rehnquist was a solid human being whose consistency and resolve as a member of the Supreme Court benefited the whole country in turbulent times.

The historian Whitehead has written that the essence of leadership is maintaining order in the midst of change, and change in the midst of order. William Rehnquist lived out the principle that both change and order are necessary in the law and he knew when we needed each.

Chief Justice William H. Rehnquist served America with great distinction on the Supreme Court for 33 years. His profound respect for the Constitution and his collegial relationships throughout the judiciary will be a standard for future justices. He knew that his role was more than deciding cases: it was to raise the knowledge of and respect for the rule of law.

Mr. Rehnquist took his seat as an associate Supreme Court justice in 1972 after being appointed by President Richard Nixon, and became Chief Justice in 1986, during the Reagan administration.

His opinions reflected a staunch adherence to the constitutional principle of State's rights. He also displayed an untiring willingness to work with his colleagues to find a compromise without minimizing his position. Chief Justice Rehnquist will be remembered as one of our most influential chief justices in history.

As the Court's most junior justice, Rehnquist made state sovereignty his central principle of American constitutional law. At times, especially in those early years in 1973, he stood alone in his support of State sovereignty but continued this fight to the end of his time on the bench.

Chief Justice Rehnquist succeeded in shifting the balance of power between States and the Federal government. The control and limitation of Federal control will always be a legacy of Chief Justice Rehnquist. He protected the Constitution in his application of the law and took great pride in his protection of civil liberties and the importance of freedom and the democratic spirit in our Constitution.

As Chief Justice, Mr. Rehnquist made his mark on the Court with grace in an environment where justices of varying opinions could express themselves free from personal attacks and or ideological stalemates. His was a Court of strong personalities who operated in profound respect for each other and the country gained from their wisdom and discourse. He was a great leader and effective administrator of the Supreme Court.

I was personally touched by Chief Justice Rehnquist's determination and heroic passion to serve while battling cancer. As we often hear, we are a government of law and not men and women, and that is true. But our constitutional principles are not self-enforcing. We depend on men and women of good hearts and sharp minds to steer us through difficult moments when the issues of the day collide with our Constitution of over 200 years of age.

He was to the end a midwesterner: strong, reliable and devoted to the idea of leaving things better than he found them. The whole Nation, and future generations of Americans should be deeply grateful for the legacy he has left.

SMALL BUSINESS CONTRACTING PROVISIONS IN H.R. 3673

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to bring to the attention of the Senate a proposal which was included in the hurricane supplemental bill at the request of the Office of Management and Budget and the Department of Defense. I wholeheartedly supported the supplemental bill and the funding it would provide to the individuals, families, and small businesses that experienced so much suffering in this terrible tragedy. Their plight should not be prolonged by delays in delivery of much-needed assistance funding. However, I believe that this particular provision would seriously harm small businesses in the Gulf Coast region and all across America—by excluding them from Government contracts and subcontracts for the relief and rescue projects. While I appreciate the need to get supplies and services quickly in order to save lives, the provision at issue is not tailored to lifesaving, and we need to exercise caution in working around laws aimed at helping small business, in the rush to pass emergency appropriations.

The OMB's proposal extends to hurricane relief and rescue operations that the emergency procurement authority previously approved by Congress for military contingency operations in cases of attack by the weapons of mass destruction, war, or national emergency. Most importantly, the proposal raises the so-called "micro-purchase threshold" to \$250,000. These measures would abolish Small Business Act set-asides for U.S. small businesses and the Buy American Act preferences for U.S. manufacturers on all rescue and relief contracts for years to come, potentially undermine the Stafford Act preference for local business, individuals, and organizations in contracts for recovery from major disasters contained in the Stafford Act, and encourage waste, fraud, and abuse in Federal contracts and in the reconstruction efforts by drastically increasing the ability of low-level Government officials to make credit card charges.

The micro-purchase threshold was created in the 1990s to enable Government officials to quickly make limited purchases with Government credit cards and without regards to competition, small business, or other preference requirements. Congress strictly limited the current micro-purchase threshold amounts to \$2,500 for all acquisitions, except to \$2,000 for certain construction projects and to \$15,000 for U.S.-based military contingency operations and WMD response and recovery efforts.

This increase in the micro-purchase threshold was carefully adopted by Congress just 2 years ago, in November 2003, in response to the 9/11 and the global war on terror. The 2003 increase was implemented subject to strict limitations to ensure that contracting accountability and small business requirements are not supplanted—limitations which are absent from the language in this bill.

The OMB plan in this bill increases the micro-purchase threshold to \$250,000, a hundredfold increase. Without appropriate protections, such a massive increase distorts Congressional intent for the micro-purchases and opens doors to greater credit card contracting abuse. Government purchase card abuse has been the subject of investigative and legislative actions by the Senate Homeland Security and Governmental Affairs Committee and by the Senate Finance Committee. Indeed, the leadership of these Committees, including Chairmen GRASSLEY and COLLINS as well as ranking member LIEBERMAN, already made known their opposition to the OMB proposal. The Government Accountability Office estimates that the Federal Government could have saved \$300 million a year by imposing greater accountability on the use of Government purchase cards. These losses stand to balloon along with the huge increases in credit card spending called for in this proposal. A massive expansion of the micro-purchase threshold could overwhelm the fragile accountability mechanisms for this program.

Most importantly, in addition to the high potential for waste and abuse, raising the micro-purchase threshold from its current levels to \$250,000 obliterates small business contracting set-asides for contracts that by law and by tradition have been going to small firms. The statutory "small business reserve" in the Small Business Act sets aside for small business concerns all Federal contracts in the amounts below \$100,000 and above the micro-purchase threshold, typically, \$2,500. Contracts at \$100,000 or less are uniquely suitable for performance by small firms. Excluding them now makes no sense.

Further, the DoD/OMB proposal for extension of the emergency procurement authority to Hurricane Katrina improperly expands the scope of this authority to future "relief" contracts and to contracts with only distant rel-

evance to Hurricane Katrina. As I already mentioned, the emergency procurement authority established a micro-purchase threshold increase to \$15,000, provided the purchases are "directly related" to military contingency operations or WMD recovery. Extension of this authority would take contracts ranging from \$15,000 to \$2,500 out of the statutory "small business reserve" under the Small Business Act. In addition, this authority would also allow large firms to exclude small businesses from subcontracts by treating all Katrina-related contracts as purchases of commercial items. Taking work away from small businesses as part of disaster relief is not the message we want to send.

Federal small business contracts are a vital source of business and jobs creation for small firms. Prior to Katrina, small business in disaster-affected States used to receive a significant boost from Federal contracts. Retaining, renewing, and enhancing these small business contracts will be critical for successful reconstruction of the Gulf Coast region. For example, in Fiscal Year 2003, Alabama small businesses received \$2.05 billion in Federal contracts, including \$191 million in construction contracts. Small businesses in the State of Mississippi received \$419 million in Federal contracts, with over a quarter of that amount, \$134 million, in construction contracts. Finally, Louisiana received \$712 million in small business contracts, including \$242 million in construction. Small business men and women in these States have the experience and the wherewithal to join hands in the relief and reconstruction of their communities. What they need is a chance to work and rebuild their businesses.

We have an obligation to help the small business sector of the Gulf Coast. I am very concerned about the import of the OMB contracting provision, and I will work to ensure that this provision is limited and modified in future legislation to ensure that it provides the right balance between speed and fairness in Government contracts.

HURRICANE KATRINA

Mr. PRYOR. Mr. President, I join my Senate colleagues in voicing my unwavering support to help Gulf Coast residents recover and rebuild their communities in the aftermath of Hurricane Katrina. The \$60.5 billion in funding we have passed is a start toward restoring basic infrastructure and the economy, but we have a long way to go. This recovery will require much more of our time, resources and a comprehensive plan; I stand ready to work with my colleagues to do just that.

In the last 2 weeks, I have witnessed many good and bad things involving Hurricane Katrina. The generosity and compassion shown by families all over the Nation have redefined the meaning of good neighbor. In Arkansas, I have

watched as countless charities, individuals from the private and public sector and the faith-based community joined together to welcome their neighbors with unmatched Southern hospitality.

I am very proud of the Arkansas National Guard. Many of these Guard members have spent months in Iraq away from their families this year, but they were eager to join the military operation to help rescue Hurricane victims, secure the streets of New Orleans, and maintain order in many of our shelters. I am also pleased that these Guard members have been mobilized under title 32 so that their time counts for purposes of retirement, health care and other benefits enjoyed by their Active-Duty counterparts.

After the initial devastation of Hurricane Katrina, I called my Gulf Coast colleagues to ask how I could help and support their constituents in their time of need. I am working to honor their requests by coordinating logistics for evacuees and helping evacuees in Arkansas resolve problems involving Social Security checks, postal services, and FEMA forms. My office is also working to find housing for evacuees, transport them, reunite families, and assist with translation. As 60,000 or more of their constituents have traveled to Arkansas, I am working to serve their constituents as well as Arkansans. Evacuees should know that as they get their lives back together, they have a home in Arkansas.

While the American people were stepping up to the plate, the Government struck out. Our emergency plans failed to meet expectations. I want to focus on helping distressed families now, but in the not too distant future, we need to take a hard look at the failures that occurred in responding to this disaster.

Under Senate rules, Senators COLLINS and LIEBERMAN are tasked with leading Government oversight as the ranking members of the Homeland Security and Governmental Affairs Committee. As a member of this committee, I can attest to their strong, bipartisan, and tested leadership. The intelligence restructuring bill drafted in this committee, passed by this body, and signed into law by President Bush last year is a fitting example. This same committee ought to pursue its oversight responsibilities on the Government's slow rescue and response efforts. I believe very adamantly that part of any investigation, and subsequent legislation, must begin with fixing the chain-of-command and bureaucratic breakdowns that occurred before and after the hurricane. If the Homeland Security and Governmental Affairs Committee is not tapped for this undertaking, then I believe the families of the Gulf Coast, and the rest of the Nation, deserve a thorough review of the mistakes that occurred by an independent body in a setting where politics will not play a role.

A primary reason for the creation of the Department of Homeland Security, following 9/11, was to allow for a

smooth and immediate rescue and recovery operation when disaster strikes—whether naturally occurring or manmade. But instead of a smooth operation, States and Federal agencies again ran into redtape and confusion. A terrorist attack and a hurricane are, of course, two completely different disasters, but the response efforts are just as critical and necessary, and they translate into saving lives.

We have put enormous resources into a national emergency preparedness and response system nearly 4 years after 9/11, and I am concerned and dismayed that our response to a significant disaster has not been improved exponentially. The Government's failure to respond effectively shows weaknesses in our emergency preparedness not just to Americans but also to terrorists who seek havoc in our country.

We must find and fix the discrepancies in the system, look for accountability, and make sure these mistakes are never repeated in the United States again. We owe this to the victims of Hurricane Katrina and, quite frankly, we owe it to the victims of 9/11.

I believe the problems that occurred before, during and after the hurricane have unveiled something else about America. They have opened up eyes in Washington, DC, and across the country about the abject poverty some families live in. Those left stranded on their rooftops or in the Superdome painted a very vivid picture about the inequities that exist in our country today, and they speak volumes about the transportation, housing and health care available in this country.

If anything at all comes from this tragedy, I hope it will be a new focus on our priorities in this body. Before the hurricane hit, the Senate was expected to return from its August recess to vote on repealing the estate tax for wealthiest 2 percent of Americans, and cutting health care services for our poorest Americans. Hurricane Katrina showed that we, as a Nation, are failing to take care of our poor, our sick, and our elderly. Government must do better, and that leadership must start with the President, the Senate, and the House of Representatives.

We can start with a number of proposals that have been put forth by both Republicans and Democrats to help the South recover from Hurricane Katrina. These initiatives range from financial assistance to host States for evacuee care; tax incentives for employers to hire evacuees; and health care, housing, and nutritional assistance for evacuees. I stand ready to help and lead in these efforts.

Senator LANDRIEU delivered an impassioned speech on the floor yesterday, and I end with her words, "We must learn from this experience. If we do not, we will fail again."

REMOVAL OF COSPONSOR TO S. 1014

Ms. SNOWE. Mr. President, I rise to make a statement explaining the re-

moval of the Senator from Tennessee, Majority Leader BILL FRIST, as a co-sponsor of S. 1014, Supporting Our Patriotic Business Act of 2005. It was an inadvertent error my staff made when adding additional cosponsors to this bill. I apologize to Senator FRIST for any confusion and inconvenience this may have caused and want the record to reflect that it was an error on my part.

VOTE EXPLANATION

Mr. VITTER. Mr. President, due to the circumstances surrounding the Katrina disaster, I was in my home State of Louisiana yesterday and unable to vote for final passage of H.R. 3673, the emergency supplemental appropriations bill. Had I been present, I would have voted in favor of H.R. 3673.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 31, 2005, Jenifer Royer was punched by a man outside a Fayetteville, AR restaurant. The apparent motivation for the attack was over Royer's sexual orientation. Royer suffered both a black eye and a broken nose during the incident, according to police.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO JERRY WALDOR

• Mr. LAUTENBERG. Mr. President, today I wish to offer a tribute to a valued friend, Jerry Waldor of South Orange, NJ. He passed away last week at the age of 77.

Jerry ran his own successful insurance agency New Jersey for more than 45 years. Jerry was justifiably proud of his success in business, but that was only one aspect of his life. He was devoted to his family, his community, and his country.

Jerry and his wife Rita were blessed with three sons and eight grandchildren. He would talk glowingly about his family given the slightest opportunity to do so.

Jerry Waldor was president of the United Jewish Federation of MetroWest, an umbrella social organization that provided services to thousands in northern New Jersey. He was a beloved community leader who took a serious role in so many areas of importance to communities in our area of New Jersey. As is well known in these days of serious philanthropy, it is not an uncommon practice to delay or even avoid meetings or discussions with friends who volunteer to solicit funds no matter how good and important the organization's agenda. Jerry Waldor would phone me every year to solicit my contribution to the local Jewish Federation, and I welcomed his call because his manner was so pleasant and his own giving so generous. He also served as national vice chairman of the United Jewish Appeal and a director of the Council of Jewish Federations. He served on the boards of the American Jewish Committee and the New Jersey YMHA camps. He also served as a director of the National Conference of Community and Justice and a trustee of Cerebral Palsy of North Jersey.

Jerry also had a distinguished record of military service. He entered the U.S. Military Academy at West Point in 1946 and graduated as a second lieutenant in the Air Force.

During 5 years in the Air Force, he rose to the rank of captain, and worked as a deputy assistant for logistics in the Pentagon. After completing his active duty, he entered the Air Force Reserve, where he served until 1983. He retired as a major general. During his military career, Jerry received the Distinguished Service Medal and the Legion of Merit with Oak Leaf Cluster.

Jerry touched many lives during his time on Earth, and his deeds and memory will live on. I am proud to call him my friend. He will be missed by all who knew him. I hope his family will take comfort in the recall of their good fortune to have had him as husband, father, and grandfather in these dark days.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 1648. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 1649. A bill to require the Secretary of Energy to submit to Congress a report describing the method by which existing reporting systems within the Department of Energy can be coordinated to provide timely reporting of significant supply interruptions in the transmission of petroleum and petroleum-related products; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. GRASSLEY, Mr. GRAHAM, Mr. LEVIN, Ms. SNOWE, Mr. LAUTENBERG, Mr.

ISAKSON, Mr. SANTORUM, Mr. THOMAS, Mrs. DOLE, Mr. THUNE, Mr. HAGEL, and Mr. LUGAR):

S.J. Res. 23. A joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 1615

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1637

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Con-

gress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

AMENDMENT NO. 1659

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1659 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1660 intended to be proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1648. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile Fuel Efficiency Improvements Act of 2005".

SEC. 2. PHASED INCREASES IN FUEL ECONOMY STANDARDS.

(a) PASSENGER AUTOMOBILES.—

(1) MINIMUM STANDARDS.—Section 32902(b) of title 49, United States Code, is amended to read as follows:

"(b) PASSENGER AUTOMOBILES.—Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

"(1) after model year 1984 and before model year 2008 shall be 25 miles per gallon;

"(2) after model year 2007 and before model year 2011 shall be 28 miles per gallon;

"(3) after model year 2010 and before model year 2014 shall be 32 miles per gallon;

"(4) after model year 2013 and before model year 2017 shall be 36 miles per gallon; and

"(5) after model year 2016 shall be 40 miles per gallon."

(2) HIGHER STANDARDS SET BY REGULATION.—Section 32902(c) of title 49, United States Code, is amended—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by striking "Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(ii) by striking "amending the standard" and inserting "increasing the standard otherwise applicable";

(iii) by striking "Section 553" and inserting the following:

"(2) Section 553".

(b) NON-PASSENGER AUTOMOBILES.—Section 32902(a) of title 49, United States Code, is amended—

(1) by striking “At least 18 months before each model year,” and inserting the following:

“(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

“(A) after model year 1984 and before model year 2008 shall be 17 miles per gallon;

“(B) after model year 2007 and before model year 2011 shall be 19 miles per gallon;

“(C) after model year 2010 and before model year 2014 shall be 21.5 miles per gallon;

“(D) after model year 2013 and before model year 2017 shall be 24.5 miles per gallon; and

“(E) after model year 2016 shall be 27.5 miles per gallon, except as provided under paragraph (2).

“(2) At least 18 months before the beginning of each model year after model year 2017.”; and

(2) by adding at the end the following:

“(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary, not later than 90 days after the expiration of the 24-month period, shall submit to Congress a report containing an explanation of the reasons for not increasing the standard.”.

SEC. 3. INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) AUTOMOBILE.—

(1) IN GENERAL.—Section 32901(a)(3) of title 49, United States Code, is amended—

(A) by striking “6,000 pounds” each place it appears and inserting “12,000 pounds”; and

(B) in subparagraph (B)—

(i) by striking “10,000 pounds” and inserting “14,000 pounds”; and

(ii) in clause (ii), by striking “an average fuel economy standard” and all that follows through “conservation or”.

(2) SPECIAL RULE.—Section 32908(a)(1) of such title is amended by striking “8,500 pounds” and inserting “14,000 pounds”.

(b) PASSENGER AUTOMOBILE.—Section 32901(a)(16) of title 49, United States Code, is amended to read as follows:

“(16) ‘passenger automobile’—

“(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

“(B) does not include—

“(i) a vehicle that has a primary load carrying device or container attached;

“(ii) a vehicle that has a seating capacity of more than 12 persons;

“(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver’s seat; or

“(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 4. CIVIL PENALTIES.

(a) INCREASED PENALTY FOR VIOLATIONS OF FUEL ECONOMY STANDARDS.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “Except as provided”; and

(2) by striking “\$5” and inserting “the dollar amount applicable under paragraph (2)”; and

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following:

“(2)(A) The dollar amount referred to in paragraph (1) is \$10, as increased from time to time under subparagraph (B).

“(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest \$0.10.

“(C) In this paragraph, the term ‘price index’ means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.”.

(b) CONFORMING AMENDMENT.—Section 32912(c)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 5. ACCURATE FUEL ECONOMY TESTING.

(a) BIENNIAL REPORT ON TESTING QUALITY.—

(1) REQUIREMENT FOR REPORT.—

(A) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“§ 32920. Biennial report on testing quality

“(a) REQUIREMENT FOR REPORT.—Not later than October 1 of each odd-numbered year, the Secretary of Transportation shall submit to Congress a report on the quality of the testing for determining automobile fuel economy under this chapter for all currently available technologies for automobiles.

“(b) CONTENT OF REPORT.—The report shall include the following information:

“(1) An assessment of the accuracy of the fuel economy determined for automobiles in relation to actual highway and road vehicle fuel economy.

“(2) A discussion of changes in testing methodology that are planned to be made, together with an assessment of the effects that such changes are expected to have on the accuracy of the measures of automobile fuel economy resulting from the use of the testing methodology as changed.

“(c) CONSULTATION REQUIREMENT.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall consult on the preparation of the biennial report under this section.”.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 329 of title 49, United States Code, is amended by adding at the end the following new item:

“32920. Biennial report on testing quality”.

(2) FIRST REPORT.—The first report under section 32920 of title 49, United States Code, as added by paragraph (1), shall be submitted to Congress in 2007.

(b) IMPROVEMENT OF PROCESS FOR MEASURING FUEL ECONOMY.—

(1) STUDY.—

(A) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall provide for the John A. Volpe National Transportation Systems Center to carry out a study—

(i) to determine what practicable automobile fuel economy testing process provides the most accurate measures of actual automobile fuel economy in highway use, in urban use, and in combined highway and in urban use; and

(ii) to compare the average automobile fuel economy ratings calculated under the testing process determined under clause (i) for each category of automobile use described in that clause with the corresponding automobile fuel economy ratings calculated under the testing process in use under chapter 329 of title 49, United States Code, on the date of enactment of this Act.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subparagraph (A), which shall include—

(i) the determination and comparisons made under subparagraph (A); and

(ii) an estimate of the average adjustment to automobile fuel economy ratings calculated under the testing process used for the purposes of chapter 329 of title 49, United States Code, as of the date of enactment of this Act that is needed to conform those ratings closely to the automobile fuel economy ratings calculated under the testing process determined most accurate under subparagraph (A)(i).

(2) TESTING PROCEDURE REVISION.—

(A) REQUIREMENT FOR REVISED PROCEDURE.—Not later than 180 days after the date on which the report required under paragraph (1)(B) is submitted to Congress, the Secretary of Transportation shall prescribe, by regulation—

(i) a revised testing procedure for accurately measuring the actual automobile fuel economy of each model of automobile; and

(ii) a requirement that the revised testing procedure be applied for the purposes of chapter 329 of title 49, United States Code, to determine the average fuel economy of the automobiles manufactured in model years after model year 2008.

(B) MODEL FOR REVISED PROCEDURE.—The testing procedure prescribed under subparagraph (A) shall be based on the testing process identified in the report required under paragraph (1)(B) as providing the most accurate measures of actual automobile fuel economy.

(3) COMPARABLE ADJUSTMENT IN AVERAGE FUEL ECONOMY STANDARDS.—

(A) REQUIREMENT FOR ADJUSTMENT.—For automobiles manufactured in model years after model year 2008, the Secretary of Transportation shall amend each average fuel economy standard prescribed under section 32902 of title 49, United States Code, to take into account improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) CONDITION.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 6. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) The President shall prescribe regulations that require automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve—

“(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under section 32902(a) of this title for the model year that includes January 1 of that fiscal year; and

“(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of section 32902 of this title for such model year.”;

(B) in paragraph (2)—

(i) by striking “Fleet average fuel economy is—” and inserting “For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—”;

(ii) in subparagraph (A), by striking “passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a” and inserting “the non-passenger automobiles or passenger automobiles, respectively, that are leased for at least 60 consecutive days or bought by executive agencies in such”; and

(iii) in subparagraph (B), by inserting “such” after “the number of”; and

(2) by adding at the end the following:

“(c) MINIMUM NUMBER OF EXCEPTIONALLY FUEL-EFFICIENT VEHICLES.—The President shall prescribe regulations that require that—

“(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

“(2) beginning in fiscal year 2011, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy that is at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1672. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1673. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra.

SA 1674. Mr. SHELBY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2862, supra.

SA 1675. Mr. SHELBY (for Mr. BURNS) proposed an amendment to the bill H.R. 2862, supra.

SA 1676. Mr. SHELBY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, supra.

SA 1677. Mr. SHELBY (for Mr. TALENT (for himself, Mrs. FEINSTEIN, and Mr. FRIST)) proposed an amendment to the bill H.R. 2862, supra.

SA 1678. Mr. LIEBERMAN proposed an amendment to the bill H.R. 2862, supra.

SA 1679. Mr. KERRY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1680. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1681. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1682. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1683. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1685. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1686. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1672. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.), regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date of enactment of this Act.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (c), and not be affirmatively barred from practicing in that State; and

(3) have applied for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) STATES DESCRIBED.—The States described in this subsection are those States covered by the declarations of the President, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, on August 24, 2005 (Florida), on August 29, 2005 (Alabama, Louisiana, and Mississippi), and on September 2, 2005 (Texas), all due to Hurricane Katrina.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

SA 1673. Mr. SHELBY submitted an amendment intended to be proposed by

him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, as follows:

On page 121, line 19, after “curity,” insert the following:

“of which \$152,546,000 shall be for national security infrastructure.”.

SA 1674. Mr. SHELBY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Page 162, line 23, after the word “mission,” add the following “\$371,600,000 for the Webb Space Telescope to be launched no later than 2013.”

SA 1675. Mr. SHELBY (for Mr. BURNS) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

“Notwithstanding any other provision of this Act, no funds appropriated under this act shall be used to register, issue, transfer, or enforce any trademark of the phrase “Last Best Place”.”

SA 1676. Mr. SHELBY (for himself and Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 5 ____ . (a) For the period beginning on October 1, 2005, and ending on April 1, 2006, none of the funds made available by this or any other Act may be used to pay the salaries or expenses of any employee of any agency or office to implement any change to part 302, 303, 306, or 318 of title 13, Code of Federal Regulations (as in effect on December 14, 1999), pursuant to the interim final rule published August 11, 2005 (70 Fed. Reg. 47002; relating to the implementation of, and regulatory revision under, the Economic Development Reauthorization Act (Public Law 108-373; 118 Stat. 1756)).

(b) Notwithstanding the interim final rule described in subsection (a), the public comment period with respect to parts 302, 303, 306, and 318 of title 13, Code of Federal Regulations, shall be not less than 30 days.

SA 1677. Mr. SHELBY (for Mr. TALENT (for himself, Mrs. FEINSTEIN, and Mr. FRIST)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE VII—METHAMPHETAMINES

SECTION 701. SHORT TITLE.

This title may be cited as the “Combat Meth Act of 2005”.

Subtitle A—Amendments to Controlled Substances Act

SEC. 710. PSEUDOEPHEDRINE AND EPHEDRINE AMENDMENTS TO CONTROLLED SUBSTANCES ACT.

(a) ADDITION OF PSEUDOEPHEDRINE AND EPHEDRINE TO SCHEDULE V.—The matter under schedule V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(6) Any detectable quantity of pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers.”.

(b) PRESCRIPTIONS.—Section 309(c) of the Controlled Substances Act (21 U.S.C. 829(c)) is amended—

(1) by striking “No controlled substance” and inserting the following:

“(1) IN GENERAL.—No controlled substance”; and

(2) by adding at the end the following:

“(2) RETAIL DISTRIBUTORS AND PHARMACIES.—If a controlled substance described in paragraph (6) of schedule V is dispensed or sold at retail by a retail distributor or a pharmacy, the retail distributor or pharmacy shall ensure the following:

“(A) QUALIFICATIONS OF DISPENSER.—The substance shall be dispensed or sold at retail only by practitioner, pharmacist, or an individual under the supervision of a pharmacist as permitted by the State.

“(B) REQUIREMENTS FOR PURCHASER.—Any person purchasing, receiving, or otherwise acquiring any such substance shall, prior to taking possession—

“(i) provide an approved Federal or State-issued photo identification or an alternative form of identification authorized by the Attorney General; and

“(ii) sign or make an entry in a written or electronic log that conforms with the regulations under paragraph (4) documenting—

“(I) the date of the transaction;

“(II) the name of the person; and

“(III) the name and the amount of the controlled substance described in paragraph (6) of schedule V purchased, received, or otherwise acquired.

“(C) LIMITATION ON AMOUNT OF PURCHASE.—No person shall purchase, receive, or otherwise acquire more than 7.5 grams of a controlled substance described in paragraph (6) of schedule V within any 30-day period.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Attorney General, by rule, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product cannot be used in the illegal manufacture of methamphetamine or any other controlled dangerous substance.

“(B) DIFFERENT FORMULATION.—

“(i) IN GENERAL.—The Attorney General, upon the application of a manufacturer of a drug product, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

“(ii) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services should consider a product under clause (i) to be subject to the performance goals established by the Commissioner of Food and Drugs for priority drugs.

“(C) SPECIAL EXCEPTIONS.—The Attorney General, by rule, may authorize the sale of a controlled substance described in paragraph (6) of schedule V by persons other than a practitioner, and at a location other than a pharmacy if—

“(i) the Attorney General—

“(I) determines that the retail facility is located within a commercial service airport, and sells the substance packaged in liquid and liquid filled gelcaps only, each single

sales package containing not more than 360 mg, per person, in a 24 hour period; or

“(II) has issued an alternate place of sale license to the retail location and has issued an alternate dispenser license to the person authorized to make the sale under subsections (i) and (j) of section 303, respectively;

“(iii) the person dispensing the controlled substance described in paragraph (6) of schedule V follows the procedures set forth in this Act; and

“(iv) the person authorized under section 303(i) dispensing the controlled substance described in paragraph (6) of schedule V provides notification, in writing, of the intention to dispense such substance pursuant to a special exception under this subparagraph to each State and local law enforcement authority with jurisdiction to investigate crimes involving controlled substances at such location.

“(D) PRESCRIPTIONS.—The limit described in paragraph (2)(C) shall not apply to any quantity of such substance dispensed under a valid prescription.

“(4) REGULATIONS.—

“(A) RULES FOR LOGS.—

“(i) IN GENERAL.—The Attorney General shall promulgate rules and regulations—

“(I) prescribing the content and format of the log required in paragraph (2)(B)(ii);

“(II) establishing the manner in which the information in the log required in paragraph (2)(B)(ii) shall be reported to law enforcement authorities; and

“(III) prohibiting accessing, using, or sharing the information in the log for any purpose other than to ensure compliance with this Act or to facilitate a product recall necessary to protect public health and safety.

“(ii) MISREPRESENTATION WARNING.—The rules and regulations under clause (i) shall require that the log explain the potential consequences of false statements or misrepresentations, including requiring that the following statement is prominently presented: ‘NOTE: PENALTY FOR MISREPRESENTATION—Any misrepresentation (by omission or concealment, or by misleading, false, or partial answers may result in prosecution pursuant to section 1001 of title 18, United States Code, which makes it a criminal offense, punishable by a maximum of 5 years imprisonment, \$10,000 fine, or both, knowingly and willfully to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.’

“(B) ALTERNATE IDENTIFICATION.—The Attorney General shall promulgate rules and regulations authorizing the acceptance of an alternate form of identification under paragraph (2)(B)(i) to be used electronically.

“(5) GOOD FAITH PROTECTION.—A retailer who in good faith releases information maintained under this subsection for purposes of compliance with this Act to a law enforcement or regulatory authority established pursuant to Federal or State law is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.”.

(c) ALTERNATE PLACE OF SALES AND DISPENSERS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i) ALTERNATE PLACE OF SALES LICENSES.—

“(1) IN GENERAL.—The Attorney General shall register an applicant to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

“(2) CONSIDERATIONS.—In determining the public interest, the Attorney General shall consider—

“(A) the applicant’s maintenance of effective controls against diversion of the controlled substance described in paragraph (6) of schedule V into other than legitimate channels equivalent to that of a pharmacy;

“(B) the applicant’s compliance with applicable State and local law, including holding a valid license issued by an appropriate State authority evidencing compliance with subparagraph (A);

“(C) the applicant’s prior conviction record under Federal and State laws; and

“(D) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

“(3) STATE LICENSES.—If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.

“(j) ALTERNATE DISPENSER LICENSES.—

“(1) IN GENERAL.—The Attorney General shall register an applicant, other than a practitioner, to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

“(2) CONSIDERATIONS.—In determining the public interest, the Attorney General shall consider—

“(A) the applicant’s compliance with applicable State and local law, including holding a license issued by an appropriate State authority evidencing a degree of suitability to dispense the controlled substance described in paragraph (6) of schedule V equivalent to that of a practitioner;

“(B) the applicant’s prior conviction record under Federal and State laws; and

“(C) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

“(3) STATE LICENSES.—If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.”.

(d) THEFT PREVENTION.—Notwithstanding paragraph (6) of schedule V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as added by subsection (a), persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the storage, reporting, record-keeping, or physical security control requirements (such as a cage or vault) for controlled substances in schedule V containing pseudoephedrine or ephedrine.

(e) STATE PENALTIES AND PEDIATRIC PRODUCTS.—Nothing in this Act shall be construed to—

(1) prevent a State or political subdivision of a State from adopting and enforcing penalties that are different from, in addition to, or otherwise not identical with, the penalties that apply under the Controlled Substances Act (28 U.S.C. 801 et seq.); or

(2) prevent a State or political subdivision of a State from permitting the sale of pediatric products containing pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers where the pediatric product—

(A) is primarily intended for administration, according to label instructions, to children under 12 years of age and either—

(i) in solid dosage form, individual dosage units do not exceed 15 milligrams of ephedrine or pseudoephedrine; or

(ii) in liquid form, recommended dosage units, according to label instructions, do not exceed 15 milligrams of ephedrine or pseudoephedrine per 5 milliliters of liquid product; or

(B) is in liquid form—

(i) primarily intended for administration to children under 2 years of age;

(ii) the recommended dosage of which does not exceed 2 milliliters; and

(iii) the total package content is not more than 1 fluid ounce.

(f) EFFECTIVE DATES.—

(1) ONLY ACTIVE INGREDIENT.—This section and the amendments made by this section shall take effect with regard to any substance in which ephedrine or pseudoephedrine is the only active ingredient 90 days after the date of enactment of this Act.

(2) OTHER PRODUCTS.—This section and the amendments made by this section shall take effect with regard to any substance other than a substance described in paragraph (1) on January 1, 2007.

SEC. 711. EMPLOYER SCREENING OF EMPLOYEES WORKING WITH CONTROLLED SUBSTANCES.

Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following:

“APPLICANTS AND EMPLOYEES

“SEC. 311. Persons registered with the Drug Enforcement Administration to manufacture, deliver, distribute, or dispense controlled substances shall take reasonable steps to guard against hiring persons who may, as a result of their employment, have access to and become involved in the theft and diversion of controlled substances, including, notwithstanding State law, asking applicants for employment whether they have been convicted of any crime involving or related to controlled substances.”.

Subtitle B—Education, Prevention, and Treatment

SEC. 721. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

Section 519 of the Public Health Service Act (42 U.S.C. 290bb-25) is amended—

(1) in subsection (b), by inserting after paragraph (8) the following:

“(9) Development of drug endangered children rapid response teams that will intervene on behalf of children exposed to methamphetamine as a result of residing or being present in a home-based clandestine drug laboratory.”; and

(2) in subsection (o)—

(A) by striking “For the purpose” and inserting the following:

“(1) IN GENERAL.—For the purpose”; and

(B) by adding at the end the following:

“(2) DRUG ENDANGERED CHILDREN RAPID RESPONSE TEAMS.—There are authorized to be appropriated \$2,500,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of subsection (b)(9).”.

SEC. 722. LOCAL GRANTS FOR TREATMENT OF METHAMPHETAMINE ABUSE AND RELATED CONDITIONS.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended—

(1) by redesignating section 514 that relates to methamphetamine and appears after section 514A as section 514B;

(2) in section 514B, as redesignated—

(A) by amending subsection (a)(1) to read as follows:

“(1) GRANTS AUTHORIZED.—The Secretary may award grants to States, political subdivisions of States, American Indian Tribes, and private, nonprofit entities to provide treatment for methamphetamine abuse.”;

(B) by amending subsection (b) to read as follows:

“(b) PRIORITY FOR HIGH NEED STATES.—In awarding grants under subsection (a), the Secretary shall give priority to entities that will serve rural or urban areas experiencing an increase in methamphetamine abuse in States with addiction rates in excess of the national rate.”; and

(C) in subsection (d)(1), by striking “2000” and all that follows and inserting “2005 and such sums as may be necessary for each of fiscal years 2006 through 2009”; and

(3) by inserting after section 514B, as redesignated, the following:

“SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER.

“(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator, and in consultation with the Director of the National Institutes of Health, shall award grants to, or enter into contracts with, public or private, nonprofit entities to establish a research, training, and technical assistance center to carry out the activities described in subsection (d).

“(b) APPLICATION.—A public or private, nonprofit entity seeking a grant or contract under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(c) CONDITION.—In awarding grants or entering into contracts under subsection (a), the Secretary shall ensure that not less than 1 of the centers will focus on methamphetamine abuse in rural areas.

“(d) AUTHORIZED ACTIVITIES.—Each center established under this section shall—

“(1) engage in research and evaluation of the effectiveness of treatment modalities for the treatment of methamphetamine abuse;

“(2) disseminate information to public and private entities on effective treatments for methamphetamine abuse;

“(3) provide direct technical assistance to States, political subdivisions of States, and private entities on how to improve the treatment of methamphetamine abuse; and

“(4) provide training on the effects of methamphetamine use and on effective ways of treating methamphetamine abuse to substance abuse treatment professionals and community leaders.

“(e) REPORTS.—Each grantee or contractor under this section shall annually submit a report to the Administrator that contains—

“(1) a description of the previous year’s activities of the center established under this section;

“(2) effective treatment modalities undertaken by the center; and

“(3) evidence to demonstrate that such treatment modalities were successful.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 and 2008.”.

SEC. 723. METHAMPHETAMINE PRECURSOR MONITORING GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, acting through the Bureau of Justice Assistance, may award grants to States to establish methamphetamine precursor monitoring programs.

(b) PURPOSE.—The purpose of the grant program established under this section is to—

(1) prevent the sale of methamphetamine precursors, such as pseudoephedrine and ephedrine, to individuals in quantities so large that the only reasonable purpose of the purchase would be to manufacture methamphetamine;

(2) educate businesses that legally sell methamphetamine precursors of the need to

balance the legitimate need for lawful access to medication with the risk that those substances may be used to manufacture methamphetamine; and

(3) recalibrate existing prescription drug monitoring programs designed to track the sale of controlled substances to also track the sale of pseudoephedrine or ephedrine in any amount greater than 6 grams.

(c) USE OF GRANT FUNDS.—Grant funds awarded to States under this section may be used to—

(1) implement a methamphetamine precursor monitoring program, including hiring personnel and purchasing computer hardware and software designed to monitor methamphetamine precursor purchases;

(2) expand existing methamphetamine precursor or prescription drug monitoring programs to accomplish the purposes described in subsection (b);

(3) pay for training and technical assistance for law enforcement personnel and employees of businesses that lawfully sell substances, which may be used as methamphetamine precursors;

(4) improve information sharing between adjacent States through enhanced connectivity; or

(5) make grants to subdivisions of the State to implement methamphetamine precursor monitoring programs.

(d) APPLICATION.—Any State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS.

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated \$15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses.

(b) RURAL SET-ASIDE.—Of amounts made available under subsection (a), \$3,000,000 shall be available only for prosecutors and law enforcement agents for rural communities.

SEC. 725. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP.

Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (11) by striking “and” at the end;

(2) in paragraph (12) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(13) hire personnel and purchase equipment to assist in the enforcement and prosecution of methamphetamine offenses and the cleanup of methamphetamine-affected areas.”.

SEC. 726. SPECIAL UNITED STATES ATTORNEYS’ PROGRAM.

(a) IN GENERAL.—The Attorney General shall allocate any amounts appropriated pursuant to the authorization under subsection (c) for the hiring and training of special assistant United States attorneys.

(b) USE OF FUNDS.—The funds allocated under subsection (a) shall be used to—

(1) train local prosecutors in techniques used to prosecute methamphetamine cases, including the presentation of evidence related to the manufacture of methamphetamine;

(2) train local prosecutors in Federal and State laws involving methamphetamine manufacture or distribution;

(3) cross-designate local prosecutors as special assistant United States attorneys; and

(4) hire additional local prosecutors who—
(A) with the approval of the United States attorney, shall be cross-designated to prosecute both Federal and State methamphetamine cases;

(B) shall be assigned a caseload, whether in State court or Federal court, that gives the highest priority to cases in which—

(i) charges related to methamphetamine manufacture or distribution are submitted by law enforcement for consideration; and

(ii) the defendant has been previously convicted of a crime related to methamphetamine manufacture or distribution.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SA 1678. Mr. LIEBERMAN proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 191, between lines 9 and 10, insert the following:

TITLE VII—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Hurricane Emergency Limitation on Payments (HELP) Act of 2005”.

SEC. 702. DEFINITIONS.

In this subtitle:

(1) **DISASTER.**—The term “Disaster” means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) **INJURED PERSON.**—The term “injured person” means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 703. MORATORIUM ON PAYMENTS.

(a) **IN GENERAL.**—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) **APPLICABILITY TO LOANS.**—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) **PERIOD OF EFFECTIVENESS.**—The moratorium under subsection (a) shall apply in

accordance with section 761 to the failure of an injured person to make timely payments.

(d) **ELIGIBILITY.**—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) **FEDERAL RESPONSIBILITY.**—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) **EFFECT OF OTHER LAW.**—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) **MAXIMUM AMOUNTS.**—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) **MORTGAGE AND RENTAL ASSISTANCE.**—

(1) **IN GENERAL.**—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) **ELIGIBLE PERSONS.**—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) **TYPES OF HOUSING ASSISTANCE.**—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) **FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.**—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through

the end of subsection (a) and inserting the following:

“SEC. 410. UNEMPLOYMENT ASSISTANCE.

“(a) **PROVISION OF UNEMPLOYMENT ASSISTANCE.**—

“(1) **ASSISTANCE.**—

“(A) **IN GENERAL.**—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

“(B) **LOCATION OF EMPLOYMENT.**—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

“(C) **REASON FOR UNEMPLOYMENT.**—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

“(D) **ELIGIBILITY.**—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

“(2) **AVAILABILITY.**—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

“(3) **MAXIMUM AND MINIMUM WEEKLY AMOUNTS.**—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

“(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

“(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

“(4) **PERIOD FOR APPLICATION.**—The President shall accept applications for assistance under this subsection for—

“(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

“(B) such longer period as may be established by the President.

“(5) **COOPERATION WITH STATES.**—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.”.

Subtitle D—Tax Relief

SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a)

of such Code relating to any employment tax liability of the taxpayer.

SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) **EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAYED.**—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

“(x) **REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

“(2) **REPAYMENT REQUIREMENT.**—

“(A) **ADDITION TO TAX.**—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

“(B) **DETERMINATION OF AMOUNT.**—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

“(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

“(ii) the qualified distribution.

“(C) **REPAYMENT PERIOD.**—For purposes of this subsection, the term ‘repayment period’ means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

“(D) **TAX BENEFIT AMOUNT.**—For purposes of this subsection, the term ‘tax benefit amount’ means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

“(3) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection, the term ‘qualified distribution’ means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

“(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

“(B) to the extent such distribution does not exceed the excess of—

“(i) the amount of expenses incurred as a result of such disaster, over

“(ii) the amount of such expenses which are compensated for by insurance or otherwise.

“(4) **RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.**—

“(A) **IN GENERAL.**—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

“(B) **METHOD OF MAKING RECONTRIBUTION.**—Any required recontribution—

“(i) shall be made during the repayment period for the qualified distribution,

“(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

“(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made.

An individual making a required recontribution under this paragraph shall designate (in

the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

“(C) **TREATMENT OF CONTRIBUTION.**—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

“(5) **OTHER SPECIAL RULES.**—

“(A) **BASIS RULES NOT AFFECTED.**—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

“(B) **AGGREGATION RULE.**—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle D—Hurricane Katrina Food Assistance Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

SEC. 742. DEFINITION OF SECRETARY.

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) **IN GENERAL.**—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) **RESPONSE TO HURRICANE KATRINA.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **AFFECTED AREA.**—

“(I) **IN GENERAL.**—The term ‘affected area’ means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

“(II) **INCLUSION.**—The term ‘affected area’ includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

“(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

“(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(ii) **AFFECTED HOUSEHOLD.**—

“(I) **IN GENERAL.**—The term ‘affected household’ means a household—

“(aa) in an affected area;

“(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

“(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

“(II) **INCLUSION.**—The term ‘affected household’ includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

“(iii) **DISASTER RECOVERY PERIOD.**—

“(I) **IN GENERAL.**—The term ‘disaster recovery period’ means the period of 180 days beginning on the date of enactment of this paragraph.

“(II) **EXTENSION.**—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

“(B) **DISASTER RECOVERY PERIOD.**—During the disaster recovery period—

“(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6,

and section 8(c)(1) shall not apply to affected households;

“(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

“(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

“(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of \$323 in lieu of the deduction provided under subsection (e)(1);

“(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

“(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

“(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

“(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

“(C) **DUPLICATE PARTICIPATION.**—

“(i) **IN GENERAL.**—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

“(ii) **NO ACTION TAKEN.**—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

“(D) **CLAIMS RELATING TO BENEFITS.**—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

“(E) **PAYMENT ERROR RATE.**—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

“(F) **SAVINGS CLAUSE.**—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.”

(b) **PROGRAM INFORMATION ACTIVITIES.**—

(1) **IN GENERAL.**—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than \$5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of

1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) **EXPEDITING PROVISIONS.**—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) **DEFINITION OF ELIGIBLE RECIPIENT.**—In this section, the term “eligible recipient” means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) **ASSISTANCE.**—

(1) **IN GENERAL.**—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than \$200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) **USE OF FUNDS.**—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) **SECTION 32 FUNDING.**—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than \$200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 745. WIC FUNDING.

(a) **IN GENERAL.**—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated \$200,000,000, to remain available until September 30, 2007.

(b) **EMERGENCY DESIGNATION.**—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) **ALLOCATION OF FUNDS.**—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 746. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 747. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle E—Bankruptcy Relief

SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) **ELIGIBILITY.**—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

Subtitle F—Administrative Matters

SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.

(a) **IN GENERAL.**—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) **AUTOMATIC EXTENSION.**—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment

made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) **REPORT.**—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 762. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SA 1679. Mr. KERRY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. SMALL BUSINESS EMERGENCY RELIEF.

(a) **DEFINITIONS.**—As used in this section—

(1) the term “covered loan” means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—

(i) is located in a disaster area; and

(ii) has been adversely affected by Hurricane Katrina;

(2) the term “disaster area” means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term “small business concern” has the same meaning as in section 3 of the Small Business Act; and

(4) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(b) **TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to Hurricane Katrina of August 2005, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) **RESUMPTION OF PAYMENTS.**—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

“(A) REFINANCING DISASTER LOANS.—

“(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the ‘disaster area’) and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

“(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(B) REFINANCING BUSINESS DEBT.—

“(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause, payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

“(5) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed \$10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

“(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.”.

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking “, (2), and (4)” and inserting “and (2)”;

(B) by striking “, (2), or (4)” and inserting “(2)”.

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower.

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina of August 2005.

“(B) FEES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

“(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

“(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”.

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration \$79,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) The Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) and (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the

amount necessary to equal the cost to the Administration of making such guarantees.”.

(g) BRIDGE LOANS.—There is authorized to be appropriated \$400,000,000 to provide, through appropriate government agencies in affected States, bridge grants and loans to make necessary loans or grants to assist small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the “Secretary”) shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under contracts described in subparagraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to \$5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—

(A) FISCAL YEAR 2006.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(i) \$21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, \$15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns affected by Hurricane Katrina;

(ii) \$2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina;

(iii) \$4,500,000, to be used for activities of women's business center authorized by section 29(b)(4) of the Small Business Act, \$2,500,000 of which shall be non-matching funds used to aid and assist small business concerns affected by Hurricane Katrina; and

(iv) \$1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, \$750,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina.

(B) OTHER FISCAL YEARS.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006 and each fiscal year thereafter, such sums as may be necessary to carry out this section and the amendments made by this section, including necessary loan capital and funds for administrative expenses related to making and servicing loans authorized by this section and the amendments made by this section.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e)(1)(B) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking “\$17,000,000” and inserting “\$20,000,000,000”; and

(B) by striking “\$7,500,000,000” and inserting “\$10,000,000,000”.

(j) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration \$60,000,000, to make loans to make covered loans under section 7(b) of the Small Business Act.

(k) DEVELOPMENT CENTERS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration \$15,000,000 to assist small business development centers under section 21 of the Small Business Act located in a disaster area, and in other States or areas that have sent resources or personnel to directly assist with disaster relief in such disaster areas.

(1) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (6), as added by this section, the following:

“(7)(A) For purposes of this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

“(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

“(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(E) For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene” after “civil disorders”; and

(B) by inserting “other” before “economic”.

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (n)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(7) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(7) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(7), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (n), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(7) of the Small Business Act, as added by this subsection.

(m) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking “operations have” and inserting “operations (i) have”; and

(ii) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”;

(B) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(C) in the fourth sentence—

(i) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(ii) by inserting “or declaration” after “emergency designation”.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (n)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (n), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(n) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the

Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (l) and (m), and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(7)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (l).

(o) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

SA 1680. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 24, strike “duties;” and insert the following: “duties: *Provided further*, That not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination as to whether the distribution of funds pursuant to section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) is inconsistent with the obligations of the United States as a Member of the World Trade Organization and report that determination to Congress and if the determination of the United States Trade Representative is that the distribution of funds pursuant to such section 754 is inconsistent with the obligations of the United States as a Member of the World Trade Organization, the United States Trade Representative shall continue to monitor and assess whether the distribution of such funds is inconsistent with such obligations and if at any time, the United States Trade Representative determines that there has been a change in circumstances, and as a result of such changed circumstances, the distribution of funds pursuant to such section 754 is not inconsistent with the obligations of the United States as a Member of the World Trade Organization, the United States Trade Representative shall, within 30 days of that determination, report the determination to Congress: *Provided further*, That notwithstanding any other provision of law, no funds may be made available, obligated, or distributed pursuant to such section 754 until the date that is 30 days after the date on which the United States Trade Representative reports a determination to Congress pursuant to the preceding proviso that the distribution of funds pursuant to such section 754 is not inconsistent with the obligations of the United States as a Member of the World Trade Organization.”

SA 1681. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, beginning on line 20, strike the following: “Provided further, That nego-

tiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties.”

SA 1682. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, beginning on line 12, strike “Provided further,” and all that follows through line 15.

SA 1683. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 154, strike lines 7 through 13.

SA 1684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 18, strike “Provided further, that not less than \$2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c):”

SA 1685. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 21, strike the following: “Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties.”

SA 1686. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 25, strike the following: “Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.”

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—CONTINUED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that we return to the pending matter and that the pending amendments be set aside so I may introduce another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1678

(Purpose: To provide financial relief for individuals and entities affected by Hurricane Katrina)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1678.

Mr. LIEBERMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. LIEBERMAN. Mr. President, this amendment is an attempt to make sure, to the best of our ability, that people, families, individuals already devastated personally, psychologically, and physically by Hurricane Katrina are not lastingly devastated financially as well.

Where hundreds of thousands of people were forced out of their homes, forced out of their neighborhoods, forced out of their communities, forced out of work, our Government, it seems to me, must do everything it can to help them rebuild their lives from whatever they can salvage from this enormously powerful and destructive storm.

This amendment that I propose this morning is based on title IV of the Katrina Emergency Relief Act of 2005, which has been introduced by my colleagues Senator REID of Nevada and Senator LANDRIEU of Louisiana.

This amendment has seven main provisions, all of which are aimed at enabling the Federal Government to extend a hand—not a handout—to the people who have been so shaken from their normal lives by this storm and give them the help to rebuild those lives in the best tradition of American community responsibility for one another, and individual opportunities.

There are seven parts. Let me quickly enumerate them.

First, this amendment will waive the caps and cost sharing under the Stanford Act, Individuals and Household

Program, that provides aid to those whose needs cannot be met through insurance or other assistance. Presently, these grants may not exceed \$26,200 per individual or household. This provision would waive those caps on home repair, rent, temporary housing, or home replacement.

"Other Needs" assistance under this IHP, so-called Individuals and Households Program, also addresses medical, dental, and even funeral expenses. The States are required to provide 25 percent of the amount provided for some of these grants. Given the overwhelming nature of this episode and the terrible financial impact on the States, this provision would also waive the State contribution.

This is an opportunity to take care of some basic human needs, get some help for dental, medical, funeral, and household needs.

Second, this amendment will temporarily reinstate the Mortgage and Rental Payments Program, or coverage for rental or mortgage payments for those in danger of defaulting on their mortgage and losing their homes resulting from the financial hardship resulting from the disaster. The program had been eliminated in the Disaster Mitigation Act of 2000 because FEMA said the program was difficult to administer. But it was revived after September 11, with good cause, and it should be revived again with, unfortunately, a similarly good cause in the wake of Katrina.

Three, the amendment calls for a 6-month moratorium on the imposition of any penalties or additional accrued interest for people whose lives have been shaken by Hurricane Katrina and who fail to make timely payments for student loans, Small Business loans, or other loans made, subsidized, or guaranteed by the Federal Government. This will allow a breather for these people whose lives have been totally altered, removed from their homes, from their workplaces, their neighborhoods, and it will give them a 6-month breather on any penalties or accrued interest if they can't make payments for that period of time. This amendment also authorizes the President to extend that moratorium for an additional 6 months.

Four, this amendment eases bankruptcy provisions that otherwise are scheduled to take effect about a month and a half from now. History shows that bankruptcies often double in the wake of a disaster. This easing will go simply to people affected by Hurricane Katrina in the three Gulf States that were hit. Without this provision, many families hurt by this hurricane could wind up without access—not just hurt but devastated financially—to the bankruptcy laws under the new law.

Fifth, this amendment would extend and expand benefits under the Disaster Unemployment Assistance Program. It would extend the application period from 30 to 90 days. I know the Department of Labor and State officials are

trying very hard to tell people they have a right to apply for this special form of unemployment assistance, to get some money coming in to support their families. There is a 30-day period because everybody is spread so far apart. Normally in a disaster, the disaster occurs and people go back basically to where they were. Now they are spread all over the country. This would extend the application period from 30 to 90 days.

In addition, it would expand the program to include individuals eligible for State unemployment insurance and those who suffer from the secondary economic effects of the disaster.

Finally, it would extend the duration of benefits for victims who otherwise qualify from 26 to 52 weeks and create an enhanced minimum benefit level.

We have been reading stories that an amazing number of the people who were displaced by Hurricane Katrina and now are in other States are already out looking for work and finding it. This is for the people who haven't been able to find it, and it will give them some assistance for their families.

Estimates suggest that as many as a half million workers will be left jobless by Hurricane Katrina, and that unemployment may soar to 25 percent or more in some of the regions affected as a result. The families, therefore, will desperately need this extended lifeline this amendment will provide.

Six, the amendment would suspend the tax and penalties on withdrawals from qualified retirement plans so that those who have suffered losses as a result of Hurricane Katrina can use money that otherwise would be in their retirement plans and for which they would be penalized for early withdrawal. They can now rebuild their lives and not suffer adverse tax consequences. Individuals who access funds in these accounts would have 5 years to repay the money to the account.

In addition, the amendment calls on the Secretary of the Treasury to suspend tax payment, return filing, and other time-limited actions required of taxpayers for a period of not less than 6 months. In other words, it would give these people not a free pass but a little bit of space before they have to go back to fulfilling all the obligations required, without diminishing those obligations.

I know by administrative action the Treasury Secretary has already said for people in these areas who would be paying estimated tax payments—I believe on September 15—they will not have to pay until the end of October.

Seven, we must feed the victims. It is as elemental as that.

We all saw the devastation this hurricane wreaked in terms of displaced families, destroyed livelihoods, and flooded homes. We also know how it affected the fundamental need for water and food. Across Connecticut and across America, I am sure the power of this act of nature was stunning. Of

course, loss of life filled us with grief. But what really angered and in some sense embarrassed a lot of people across this country was to see our fellow human beings and fellow Americans trapped by this disaster without adequate access to food or water.

This amendment provides additional funding to purchase and distribute food and temporarily suspend food stamp requirements that, frankly, don't make sense in the wake of this disaster. I am thinking of a requirement that says a victim has to show proof that his or her car was worth less than \$4,600. It is probably hard for a lot of people who would otherwise qualify for food stamps to be able to make that showing. We ought to suspend it.

Those are the seven parts of this proposal in this amendment. When all is said and done, the first step in rebuilding for most of these people will be to get back on a firm financial footing again. That is exactly the intent of this proposal. It is to give these people a breather, to give them a little temporary help. It is our Nation's way and our Federal Government's way of doing what neighbors and individuals are doing all over America, which is to reach out. I think it is the most generous expression of caring for one another I have ever seen in the history of this country, and it is our Government's way of trying to do the same so that people, once back on their feet, can begin to walk and then run to a better life.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

FETAL ALCOHOL SPECTRUM AWARENESS DAY

Ms. MURKOWSKI. Mr. President, so many Members of this Chamber have stood on the floor this past week to speak about the victims of the disaster, the catastrophe down in the gulf region, to speak of the victims of Hurricane Katrina. This morning I would like to spend a few brief moments to talk about some other victims, some very young victims, victims of a disease that is absolutely entirely preventable. This morning I speak very briefly about those young children who are born with a fetal alcohol disorder.

The ninth hour of the ninth day of the ninth month having arrived today, I ask unanimous consent that the Senate observe a very brief moment of reflection to remind women who are pregnant or those who may soon become pregnant that no amount of alcohol—none at all—is safe to consume during the 9 months of pregnancy.

If we may have a brief moment of reflection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(moment of silence.)

Ms. MURKOWSKI. Mr. President, thank you.

By raising awareness one moment, one person at a time, we can minimize the harm that drinking during pregnancy causes to our most vulnerable population, and that is our children.

In February of 1999, there was a small group of parents who were raising children afflicted with fetal alcohol spectrum disorders. These parents set out to change the world. That small group started an online support group which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. Former Senate Minority Leader Tom Daschle was instrumental in having the Senate take notice of this important issue. He has worked very hard on this issue, and continues so today. We thank him for his efforts.

This year, for the seventh consecutive year, communities across the Nation are pausing at the hour of 9:09 a.m. to acknowledge this day.

Events are occurring in cities and towns not just across the country but around the world—from Chilliwack, British Columbia, to Cape Town, South Africa, to Madagascar. Families are joining today to raise awareness of Fetal Alcohol Syndrome Disorder, or FASD.

In Alaska, Alaskans will observe this day in solemn events in Anchorage, Juneau, Kenai, Fairbanks, and other communities.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman consumes alcohol. It is a leading cause of non-hereditary mental retardation in the United States. Many children affected by maternal drinking during pregnancy have irreversible conditions, including severe brain damage. It is causing permanent lifelong disability. We have to keep this in perspective.

FASD is 100 percent preventable. Prevention merely requires a woman to abstain from alcohol during pregnancy. Knowing that it is entirely preventable, it is amazing to me to think that every year in this country an estimated 1 in every 100 babies are born with FASD. That is about 40,000 infants annually. FASD affects more children than Down's syndrome, cerebral palsy, spina bifida, and muscular dystrophy combined.

The cost of FASD is huge: More than \$3 billion each year in direct health care costs and many times that amount in lost human potential. Lifetime health costs for an individual living with FASD can average \$860,000.

The indirect financial and social costs to the Nation are even greater, including specialized health care, education, foster care, job training, cost of incarceration, general support services.

All in all, the direct and indirect economic costs of FASD in the United States are estimated to be \$5.4 billion. FASD is found in every community in America, in Native, non-Native, rich, poor. It does not discriminate.

That is why, last February, the U.S. Surgeon General, Richard Carmona, again issued another advisory, to protect women, to completely abstain from alcohol use.

In Alaska, we have very troubling statistics as they relate to FASD. We have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our Native communities, the statistics are even worse. The rate of FASD is 15 times higher than non-Native areas in our State.

This is a disease syndrome that is 100 percent preventable. We can save so many children, so many families, so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it.

In fact, prevention of FASD is seven times more cost effective than treating the disorder. That is why Senator JOHNSON and I and several other Senators from both sides of the aisle will soon introduce legislation to direct more resources toward this terrible problem. The legislation we are introducing is called the Advancing FASD Research, Prevention and Services Act. It is designed to develop and implement targeted State and community-based outreach programs to improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs and also to improve support services for families and strengthening educational outreach efforts to doctors, teachers, judges, and others whose work puts them in contact with those with FASD.

Mr. President, 40,000 American children a year are born with FASD. Our investment today in prevention, treatment, and research will save countless and future health care costs of this devastating, but entirely preventable, disorder.

I ask my colleagues to join with Senator JOHNSON and I in supporting the advancing FASD Research, Prevention and Services Act.

Today, on Fetal Alcohol Awareness Day, let us remember all innocent babies afflicted with this disorder and let us imagine the potential they could have but for this damage from alcohol. I hope we continue to recognize, to pause in the ninth hour of the ninth day of each September until fetal alcohol syndrome disorders are eradicated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREAT APE CONSERVATION ACT OF 2000

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 194, S. 1250.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1250) to reauthorize the Great Ape Conservation Act of 2000.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking “or” after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters.”; and

(2) in subsection (i)—

(A) by striking “Every” and inserting the following:

“(1) IN GENERAL.—Every”;

(B) in paragraph (1) (as designated by subparagraph (A)), by striking “shall” and inserting “may”; and

(C) by adding at the end the following:

“(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).”.

SEC. 2. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking “expand” and inserting “expend”; and

(2) by striking “\$80,000” and inserting “\$150,000”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

The Great Ape Conservation Act of 2000 is amended by striking section 6 (16 U.S.C. 6305) and inserting the following:

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Fund—

“(1) \$5,000,000 for each of fiscal years 2006 and 2007; and

“(2) \$7,000,000 for [fiscal year 2008; and] each of fiscal years 2008 through 2010.”.

“(3) \$10,000,000 for each of fiscal years 2009 and 2010.”.]

Mr. FRIST. I ask unanimous consent the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1250), as amended, was read the third time and passed, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—
(A) in paragraph (4)(C), by striking “or” after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters.”; and

(2) in subsection (i)—

(A) by striking “Every” and inserting the following:

“(1) IN GENERAL.—Every”;

(B) in paragraph (1) (as designated by subparagraph (A)), by striking “shall” and inserting “may”; and

(C) by adding at the end the following:

“(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).”.

SEC. 2. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking “expand” and inserting “expand”; and

(2) by striking “\$80,000” and inserting “\$150,000”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

The Great Ape Conservation Act of 2000 is amended by striking section 6 (16 U.S.C. 6305) and inserting the following:

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Fund—

“(1) \$5,000,000 for each of fiscal years 2006 and 2007; and

“(2) \$7,000,000 for each of fiscal years 2008 through 2010.”.

**JUNIOR DUCK STAMP
REAUTHORIZATION ACT OF 2005**

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 195, S. 1339.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1339) to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1339) was read the third time and passed, as follows:

S. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Junior Duck Stamp Reauthorization Act of 2005”.

SEC. 2. REAUTHORIZATION.

The Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719 et seq.) is amended—

(1) by redesignating the first section 6 (16 U.S.C. 719c), relating to authorization of appropriations, as section 7 and moving the section so as to appear at the end of the Act; and

(2) in section 7 (as redesignated by paragraph (1)) by striking “2001 through 2005” and inserting “2006 through 2010”.

**PITTMAN-ROBERTSON WILDLIFE
RESTORATION ACT AMENDMENTS**

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of calendar 196, S. 1340.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1340) to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1340) was read the third time and passed, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. AVAILABILITY OF SURPLUS FUNDS IN
WILDLIFE RESTORATION FUND.**

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C)) is amended by striking “2006” and inserting “2016”.

**CAPTIVE WILDLIFE SAFETY TECH-
NICAL AMENDMENT ACT OF 2005**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 197, S. 1415.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1415) to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Strike the parts shown in black brackets and insert the parts shown in italic.)

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Captive Wildlife Safety Technical Amendment Act of 2005”.

SEC. 2. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting “or” after the [semi-colon] semicolon;

(ii) in subparagraph (B), by striking “; or” and inserting a [semi-colon] semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting “or subsection (e)” before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking “(e)” and all that follows through “Subsection (a)(2)(C)” in paragraph (1) and inserting the following:

“(e) CAPTIVE WILDLIFE OFFENSE.—

“(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

“(2) NONAPPLICABILITY.—This subsection”;

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking “a” before “prohibited” and inserting “any”; and

(ii) by striking “(3)” and inserting “(4)”;

and

(iii) by striking “(2)” and inserting “(3)”;

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking “animals listed in section 2(g)” each place it appears and inserting “prohibited wildlife species”; and

(II) in clause (iv), by striking “animals” and inserting “prohibited wildlife species”; and

(ii) in [suparagraph] subparagraph (D), by striking “animal” each place it appears and inserting “prohibited wildlife species”;

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking “(2)” and inserting “(3)”;

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking “subsection (a)(2)(C)” and inserting “this subsection”; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

“(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.”.

(b) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking “subsection 3(b)” each place it appears and inserting “subsections (b), (d), and (e) of section 3”; and

(2) in paragraph (3), by striking “section 3(d)” and inserting “subsections (d) and (e) of section 3”.

SEC. 3. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108-191) is amended—

(1) in subsection (a), by striking “(a) IN GENERAL.—Section 3” and inserting “Section 3”; and

(2) by striking subsection (b).

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1415), as amended, was read the third time and passed, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Technical Amendment Act of 2005".

SEC. 2. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—
- (i) in subparagraph (A), by inserting "or" after the semicolon;
- (ii) in subparagraph (B), by striking "or" and inserting a semicolon; and
- (iii) by striking subparagraph (C); and
- (B) in paragraph (4), by inserting "or subsection (e)" before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking "(e)" and all that follows through "Subsection (a)(2)(C)" in paragraph (1) and inserting the following:

"(e) CAPTIVE WILDLIFE OFFENSE.—

"(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

"(2) NONAPPLICABILITY.—This subsection";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

- (i) by striking "a" before "prohibited" and inserting "any";
- (ii) by striking "(3)" and inserting "(4)"; and

(iii) by striking "(2)" and inserting "(3)";

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking "animals listed in section 2(g)" each place it appears and inserting "prohibited wildlife species"; and

(II) in clause (iv), by striking "animals" and inserting "prohibited wildlife species"; and

(ii) in subparagraph (D), by striking "animal" each place it appears and inserting "prohibited wildlife species";

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking "(2)" and inserting "(3)";

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking "subsection (a)(2)(C)" and inserting "this subsection"; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection."

(b) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking "subsection 3(b)" each place it appears and inserting "subsections (b), (d), and (e) of section 3"; and

(2) in paragraph (3), by striking "section 3(d)" and inserting "subsections (d) and (e) of section 3".

SEC. 3. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108-191) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—Section 3" and inserting "Section 3"; and

(2) by striking subsection (b).

ORDERS FOR MONDAY, SEPTEMBER 12, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with the time equally divided until 3 p.m. I further ask consent that at 3 p.m., the Senate resume consideration of H.R. 2862, the Commerce, Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the Commerce-Justice-Science appropriations bill. There are a number of amendments pending or in order to the bill, and I encourage Members to offer and debate those amendments on Monday afternoon so we can schedule votes for Monday night and Tuesday.

On Monday evening, at 5:30, we will have an hour of debate followed by a vote on the motion to proceed to S.J. Res. 20, a resolution of disapproval relating to mercury. That vote will occur at 6:30 p.m., and additional votes are possible into the evening.

Early next week, we expect to finish the Commerce-Justice-Science appropriations bill, and we will continue with other appropriations measures over the course of that week. Many of these appropriations bills do have disaster-related language, language that is important to our response to

Katrina; therefore, we want to expedite their consideration.

We have been working to pass several freestanding measures in response to Katrina, and we will continue to do so as they become available. As I pointed out earlier this morning and yesterday, last night, we are working very aggressively to make sure all legislation which is of benefit to the victims of this hurricane are handled expeditiously on the floor of the Senate in their consideration and passage.

We have considered two emergency supplemental bills: the \$51.8 billion we passed last night and the \$10.5 billion we passed on Thursday of a week ago. We have considered bills regarding emergency court jurisdiction in response to Katrina and the courts' ability to continue their operations along the southern coast. We considered a resolution allowing for Senate offices to assist with noncash contributions with regard to relief in response to the hurricane.

We are currently working on a whole range of additional matters relating to flood insurance and TANF, which is the Temporary Assistance to Needy Families Program. Our committees, through their various jurisdictions, are working to see how and when we can take action to give that appropriate relief and make progress in helping all of those affected by this natural disaster. We will continue those efforts over the weekend and into next week.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M. MONDAY, SEPTEMBER 12, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, September 12, 2005.

Thereupon, the Senate, at 12:50 p.m., adjourned until Monday, September 12, 2005, at 2 p.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9865–S9891

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1648–1649, and S.J. Res. 23. **Page S9877**

Measures Passed:

Great Ape Conservation Reauthorization: Senate passed S. 1250, to reauthorize the Great Ape Conservation Act of 2000, after agreeing to the committee amendments. **Pages S9889–90**

Junior Duck Stamp Reauthorization Act: Senate passed S. 1339, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994. **Page S9890**

Pittman-Robertson Wildlife Restoration Act: Senate passed S. 1340, to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment. **Page S9890**

Captive Wildlife Safety Technical Amendment Act: Senate passed S. 1415, to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections, after agreeing to the committee amendments. **Pages S9890–91**

Commerce/Justice/Science Appropriations: Senate continued consideration of H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and taking action on the following amendments proposed thereto: **Pages S9865–74, S9887–88**

Adopted:

Shelby Amendment No. 1673, to provide funding for national security infrastructure. **Pages S9872–73**

Shelby (for Bingaman) Amendment No. 1668, to provide funding for methamphetamine prevention education programs in elementary and secondary schools. **Pages S9872–73**

Shelby (for Salazar) Amendment No. 1649, to establish a task force to improve and target the Federal Government's policies with respect to the production and trafficking of methamphetamine. **Pages S9872–73**

Shelby (for Mikulski) Amendment No. 1674, to provide funding for the James Webb Space Telescope. **Pages S9872–73**

Shelby (for Harkin) Amendment No. 1659, to increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina. **Pages S9872–73**

Shelby (for Burns) Amendment No. 1675, to provide that no funds appropriated under this act be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place". **Pages S9872–73**

Shelby/Baucus Amendment No. 1676, to prohibit the use of funds relating to certain rulemakings. **Pages S9872–73**

Shelby (for Talent/Feinstein) Amendment No. 1677, to respond to the illegal production, distribution, and use of methamphetamine in the United States.

Pending:

Lincoln Amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina. **Page S9865**

Dayton Amendment No. 1654, to increase funding for Justice Assistance Grants. **Page S9865**

Biden Amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina. **Page S9865**

Sarbanes Amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing. **Page S9865**

Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. **Page S9865**

Sununu Amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence. **Page S9865**

Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. **Pages S9887–88**

A unanimous-consent agreement was reached providing for further consideration of the bill at 3 p.m., on Monday, September 12, 2005. **Page S9891**

Additional Cosponsors: Page S9877
 Statements on Introduced Bills/Resolutions: Pages S9877–79
 Additional Statements: Pages S9876–77
 Amendments Submitted: Pages S9879–87
 Adjournment: Senate convened at 9:30 a.m., and adjourned at 12:50 p.m., until 2 p.m., on Monday,

September 12, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9891.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. It will meet at noon on Monday, September 12 in a pro forma session and at 12:30 p.m. on Tuesday, September 13, 2005 for morning hour debate.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST p. D877–878)

H.R. 3673, making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005. Signed on September 8, 2005. (Public Law 109–62)

CONGRESSIONAL PROGRAM AHEAD

Week of September 12 through September 17, 2005

Senate Chamber

On *Monday*, at 3 p.m., Senate will resume consideration of H.R. 2862, Commerce/Justice/Science Appropriations. At 5:30 p.m., Senate will begin a period of morning business for one hour, and at approximately 6:30 p.m., Senate will vote on the motion to proceed to S.J. Res. 20, Coal/Oil Direct Utility Units Rules.

During the balance of the week, Senate expects to complete consideration of H.R. 2862, Commerce/Justice/Science Appropriations and consider any other cleared legislative and executive business, including any other appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: September 15, to hold hearings to examine the nominations of Keith E. Gottfried, of California, to be General Counsel, Kim Kendrick, of the District of Columbia, Keith A. Nelson, of Texas, and Darlene F. Williams, of Texas, each to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, all of the Department of Commerce, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: September 14, Subcommittee on Aviation, to hold hearings to examine the impact of Hurricane Katrina on the aviation industry, focusing on jet fuel markets, airport infrastructure, and Hurricane Katrina's impact on the National Airspace System, 10 a.m., SD–562.

September 14, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center, 2 p.m., SD–562.

Committee on Finance: September 13, Subcommittee on Social Security and Family Policy, to hold hearings to examine how the nonprofit sector meets the needs of American communities relating to charities on the frontline, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: September 13, to hold hearings to examine the nominations of John R. Fisher, to be an Associate Judge of the District of Columbia Court of Appeals, Juliet JoAnn McKenna, to be an Associate Judge of the Superior Court of the District of Columbia, Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority, and Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board, 10 a.m., SD–342.

September 14, Full Committee, to hold hearings to examine recovering from Hurricane Katrina, 10 a.m., SD-342.

September 15, Full Committee, to hold hearings to examine the nominations of Stewart A. Baker, of Virginia, and Julie L. Myers, of Kansas, each to be an Assistant Secretary of Homeland Security, 10:30 a.m., SD-342.

September 15, Subcommittee on Federal Financial Management, Government Information, and International Security, to hold oversight hearings to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program, 2:30 p.m., SD-342.

Committee on the Judiciary: September 12, to hold hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 12 noon, SR-325.

September 13, Full Committee, to continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 9:30 a.m., SH-216.

September 14, Full Committee, to continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 9:30 a.m., SH-216.

September 15, Full Committee, to continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 9:30 a.m., SH-216.

Committee on Veterans' Affairs: September 15, business meeting to mark up pending VA health-related proposals, 10 a.m., SR-418.

Select Committee on Intelligence: September 14, to receive a closed briefing regarding certain intelligence matters, 10:30 a.m., SH-219.

September 15, Full Committee, closed business meeting to mark up intelligence authorization for fiscal year 2006, 2:30 p.m., SH-219.

House Committees

Committee on Agriculture, September 15, hearing to review Canada and Australia's experience with implementing national animal identification systems, 10 a.m., 1300 Longworth.

Committee on Appropriations, September 14, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, hearing on FBI Transformation Efforts, 10:30 a.m., 2359 Rayburn.

Committee on Armed Services, September 14, hearing on the Quadrennial Defense Review: Goals and Principles, 10 a.m., 2118 Rayburn.

Committee on Financial Services, September 14, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Hurricane Katrina: The Financial Institutions' Response," 10 a.m., 2128 Rayburn.

September 15, Subcommittee on Housing and Community Opportunity, hearing entitled "Emergency Housing Needs in the Aftermath of Hurricane Katrina," 10 a.m., 2128 Rayburn.

Committee on Government Reform, September 13, Subcommittee on Federalism and the Census, hearing entitled "Brownfields and the Fifty States: Are State Incentive Programs Capable of Solving America's Brownfields Problem?" 10 a.m., 2203 Rayburn.

September 13, Subcommittee on National Security, Emerging Threats, and International Relations, hearing entitled "Combating Terrorism: Visas Still Vulnerable," 10 a.m., 2154 Rayburn.

September 14, full Committee, to consider pending business, 10 a.m., 2154 Rayburn.

September 14, Subcommittee on Energy and Resources, hearing entitled "Meeting America's Natural Gas Demand: Are We in a Crisis?" 2 p.m., 2154 Rayburn.

September 15, full Committee, hearing entitled "Back to the Drawing Board: A First Look at Lessons Learned from Katrina," 10 a.m., 2154 Rayburn.

Committee on Homeland Security, September 15, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled "Biological Weapon Threat Assessment," 1 p.m., room to be announced.

Committee on International Relations, September 13, Subcommittee on Africa, Global Human Rights and International Operations, hearing entitled "Protecting Street Children: Vigilantes or the Rule of Law?" 2 p.m., 2172 Rayburn.

September 14, full Committee, to mark up the following measures: H. Res. 375, Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; H. Res. 408, Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and the Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; and H. Res. 419, Directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame, 10:30 a.m., 2172 Rayburn.

September 14, Subcommittee on Europe and Emerging Threats, hearing on U.S. Foreign Aid Programs to Europe, 1:30 p.m., 2172 Rayburn.

September 15, full Committee, to mark up pending business, 10:30 a.m., 2172 Rayburn.

September 15, Subcommittee on Oversight and Investigations, hearing on the Broadcasting Board of Governors and the Middle East Broadcasting Network, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, September 15, Subcommittee on Immigration, Border Security, and Claims, oversight

hearing on Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage, time to be announced, 2141 Rayburn.

Committee on Rules, September 13, to consider H.R. 3132, Children's Safety Act of 2005, 5:30 p.m., H-313 Capitol.

Committee on Science, September 14, hearing on NOAA Hurricane Forecasting, 10 a.m., 2318 Rayburn.

September 15, hearing on Cybersecurity: How Can the Government Help Address Vulnerabilities in Critical Industries? 10 a.m., 2318 Rayburn.

Committee on Small Business, September 15, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing entitled "The Need for Improvements

and More Incentives in the Endangered Species Act," 9:30 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, September 14, oversight hearing regarding the Department of Veterans Affairs information technology infrastructure reorganization, and proposed legislation to enhance the role of the Chief Information Officer, 10 a.m., 334 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: September 14, to hold hearings to examine the impact of Romania's newly implemented ban on inter-country adoptions, 10 a.m., 2237 RHOB.

Next Meeting of the SENATE

2 p.m., Monday, September 12

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, September 12

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 2862, Commerce/Justice/Science Appropriations. At 5:30 p.m., Senate will begin a period of morning business for one hour, following which, at approximately 6:30 p.m., Senate will vote on the motion to proceed to S.J. Res. 20, Coal/Oil Direct Utility Units Rule.

House Chamber

Program for Monday: The House will meet in pro forma session at 12 noon.



Congressional Record

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